

# TSD File Inventory Index

Date: September 25, 2001

Initial: CMH/mca

Facility Name: <u>Van Tran Electric Corporation</u>			
Facility Identification Number: <u>ILD 981 093 628</u>			
<b>A.1 General Correspondence</b>		<b>B.2 Permit Docket (B.1.2)</b>	
<b>A.2 Part A / Interim Status</b> <u>A.2</u>	1	.1 Correspondence	
.1 Correspondence	Y	.2 All Other Permitting Documents (Not Part of the ARA)	
.2 Notification and Acknowledgment	Y	<b>C.1 Compliance - (Inspection Reports)</b> <u>C.1</u>	1
.3 Part A Application and Amendments	Y	<b>C.2 Compliance/Enforcement</b> <u>C.2</u>	1
.4 Financial Insurance (Sudden, Non Sudden)		.1 Land Disposal Restriction Notifications	
.5 Change Under Interim Status Requests		.2 Import/Export Notifications	
.6 Annual and Biennial Reports		<b>C.3 FOIA Exemptions - Non-Releasable Documents</b> <u>C.3</u>	1
<b>A.3 Groundwater Monitoring</b>		<b>D.1 Corrective Action/Facility Assessment</b>	
.1 Correspondence <u>A.3.1-A.3.5</u>	1	.1 RFA Correspondence	
.2 Reports <u>See A.3.1</u>		.2 Background Reports, Supporting Docs and Studies	
<b>A.4 Closure/Post Closure</b>		.3 State Prelim. Investigation Memos	
.1 Correspondence <u>A.4.1-A.4.5</u>	1	.4 RFA Reports <u>D.1.4</u>	1
.2 Closure/Post Closure Plans, Certificates, etc <u>See A.4.1</u>		<b>D.2 Corrective Action/Facility Investigation</b>	
<b>A.5 Ambient Air Monitoring</b>		.1 RFI Correspondence	
.1 Correspondence		.2 RFI Workplan	
.2 Reports		.3 RFI Program Reports and Oversight	
<b>B.1 Administrative Record</b>		.4 RFI Draft /Final Report	

.5 RFI QAPP		.7 Lab data, Soil Sampling/Groundwater	
.6 RFI QAPP Correspondence		.8 Progress Reports	
.7 Lab Data, Soil-Sampling/Groundwater D.2.7		D.5 Corrective Action/Enforcement	
.8 RFI Progress Reports		.1 Administrative Record 3006(h) Order	
.9 Interim Measures Correspondence		.2 Other Non-AR Documents	
.10 Interim Measures Workplan and Reports		D.6 Environmental Indicator Determinations	
D.3 Corrective Action/Remediation Study		.1 Forms/Checklists	
.1 CMS Correspondence		E. Boilers and Industrial Furnaces (BIF)	
.2 Interim Measures		.1 Correspondence	
.3 CMS Workplan D.3.3		.2 Reports	
.4 CMS Draft/Final Report		F Imagery/Special Studies (Videos, photos, disks, maps, blueprints, drawings, and other special materials.)	2
.5 Stabilization		G.1 Risk Assessment	
.6 CMS Progress Reports		.1 Human/Ecological Assessment	
.7 Lab Data, Soil-Sampling/Groundwater		.2 Compliance and Enforcement	
D.4 Corrective Action Remediation Implementation		.3 Enforcement Confidential	
.1 CMI Correspondence		.4 Ecological - Administrative Record	
.2 CMI Workplan		.5 Permitting	
.3 CMI Program Reports and Oversight		.6 Corrective Action Remediation Study	
.4 CMI Draft/Final Reports		.7 Corrective Action/Remediation Implementation	
.5 CMI QAPP		.8 Endangered Species Act	
.6 CMI Correspondence		.9 Environmental Justice	

Note: Transmittal Letter to Be Included with Reports.

Comments:



DATE: MAY 10, 1991

TO: SCOTT PHILLIPS - EDG

FROM: KEN LOVETT - GROUNDWATER UNIT

SUBJECT: 0510350004 -- FAYETTE COUNTY  
VAN TRAN ELECTRIC CORPORATION  
ILD981093628  
COMPLIANCE

This memo is an update on the status of Van Tran with respect to the outstanding violations cited in the September 1, 1989 Pre-Enforcement Conference Letter (PECL). The violations are as follows:

- 725.193 (d)(4) - implementation of a groundwater assessment plan;
- 725.213(a) - commencement of closure after approval of plan; and
- 725.213(b) - completion of closure after approval of plan.

Since the March 9, 1990 referral of Van Tran to the Enforcement Decision Group, the facility requested guidance in what would satisfy the Agency as far as where to install wells. In an August 21, 1990 response to Van Tran from Kenn Liss, Van Tran was instructed to upgrade the groundwater monitoring program as set forth in the July 18, 1988 closure/post closure plan.

On November 13, 1990, the Agency received the analytical data from an October 17, 1990 sampling event of four monitoring wells (two of which were newly installed as per the closure/post closure plan). This analytical data is but a small portion of the information needed to satisfy requirements of Subpart F and the July 13, 1988 closure/post closure plan. No additional correspondence has been received. The last FOS inspection occurred March 18, 1991 which verifies that closure activities have not been implemented. A copy of an April 4, 1991 letter to Van Tran regarding the FOS inspection is attached.

Van Tran is also in continued violation of 725.194 (b)(2) for failure to provide an annual report by March 1, 1991.

It appears obvious that Van Tran does not intend to comply with the regulations set forth in Subpart F nor the conditions of the July 18, 1988 closure/post closure plan. Therefore, this facility should be placed at high priority to USEPA V for enforcement proceedings.

cc: Division File  
USEPA V  
Marion Region  
Kenn Liss *KL*  
Greg Michaud

ATTACHMENT



Illinois Environmental Protection Agency

P. O. Box 19276, Springfield, IL 62794-9276

217/782-6761

Refer to: 0510350004 -- Fayette County  
Van Tran Electric Corporation  
ILD981093628  
Compliance File

April 4, 1991

Van Tran Electric Corporation  
Attn: Steve Parke -- Vice President  
7711 Imperial Drive  
Waco, Texas 76710

Dear Mr. Parke:

On March 18, 1991, your facility was inspected by Jeff Schoenbacher of the Illinois Environmental Protection Agency. The purpose of this inspection was to determine your facility's compliance with 35 Illinois Administrative Code, Part 725, Subpart(s) A through E, I and K; and Part 703, Subpart B. At the time of this inspection, apparent violation(s) found in previous inspection(s) conducted on June 3, 1985; October 3, 1985; August 21, 1987; July 12, 1988; June 23, 1989; and June 8, 1990 were again observed.

For your information, a copy of the inspection report is enclosed. Should you have any questions regarding the inspection, please contact Jeff Schoenbacher at 618/346-5120.

Sincerely,

Brian S. White, Manager  
Compliance Unit  
Planning and Reporting Section  
Division of Land Pollution Control

BSW:JS:DV:rd0969q/17

Enclosure

cc: Division File  
Collinsville Region  
Jeff Schoenbacher  
Deanne Virgin



SDA

MEMORANDUM

DATE: March 9, 1990  
TO: Gary King, EDG  
FROM: Kenn Liss, <sup>Kut</sup> Compliance Section  
SUBJECT: 0510350004/Fayette County  
Van Tran Electric Corporation  
ILD981093628  
Compliance

This memo is an update on the status of Van Tran with respect to the violations cited in the September 1, 1989 Pre-Enforcement Conference Letter (PECL). The violations are as follows:

- 725.193(d)(4) implementation of assessment plan,
- 725.213(a) commence closure after approval of plan, &
- 725.213(b) complete closure after approval of plan

Since the October 16, 1989 Pre-Enforcement Conference, Van Tran has neither secured a contractor to initiate closure of the pit nor implemented the groundwater assessment program. (Although cited separately, the groundwater program is also incorporated into the July 18, 1988 closure plan as condition 8.) Van Tran has complied with conditions 8.a. through 8.e. requiring well installations, leaving 8.f. through 8.k. outstanding.

The latest correspondence is from Van Tran's attorney, Gerald Tockman, dated February 23, 1990. In that correspondence, Tockman requested a 6 month extension to negotiate with an insurer which he asserts is liable for all environmental liabilities and response costs. Previous to this request, several time extensions were granted by the Agency and have since lapsed with no progress towards compliance. I recommend that we refer Van Tran to the USEPA as a high priority violator based on the September 1, 1989 PECL violations. I am including Tockman's February 23, 1990 letter as an attachment.

Van Tran is also delaying a response to outstanding clean-up issues being managed by the Immediate Removal Unit. Ken Page is the contact.

cc: Division File  
Ken Page  
Harry Chappel  
Bruce Carlson  
Chris Nifong  
Collinsville Office  
USEPA Region V

RESPONSE TO 911189 PECL

GERALD TOCKMAN  
A PROFESSIONAL LAW CORPORATION  
SUITE 1001, SECURITY BUILDING  
319 N. FOURTH STREET  
SAINT LOUIS, MISSOURI 63102

*Van Tran Electric*  
*0510350004 - Fayette Court*  
*Compliance File*

February 23, 1990

TELEPHONE  
(314) 241-8909  
FACSIMILE  
(314) 241-8936

Mr. Kenneth W. Liss  
Illinois Environmental Protection Agency  
P. O. Box 19276  
Springfield, Illinois 62794-9276

Re: VanTran Electric Corporation

Dear Mr. Liss:

RECEIVED  
FEB 26 1990  
IEPA-DLPC

As a result of a number of conversations with the Company about timetables and costs for the more immediate concerns of water monitoring and pit removal, the Company and I agreed that I should communicate with you our present situation and why we feel significant extensions of time for work commencement and completion are not only in the interest of the Company, but also, more importantly, in the interest and to the benefit of the State of Illinois and the IEPA.

During the last several months, the Company and I have searched literally thousands of documents and records in an effort to find one or more general and comprehensive liability insurance policies under which claims and reimbursement for environmental liability and response costs could viably be made and obtained. In about mid-December, 1989 I came across one such policy under which, I believe, the insurer is liable for any and all environmental liabilities and response costs, and on December 8, I asserted the Company's claim(s) for reimbursement and any further liability/response costs in connection with the Vandalia, Illinois facility. Under date of January 10, 1990 I received a response from the insurer's Environmental Claims Unit Manager requesting our detailed Statement of Position and ancillary documentation, all of which I supplied under date of February 8, 1990.

It appears probable from the correspondence that has been exchanged with the insurer that the insurer will accept full and comprehensive environmental liability responsibilities, including any and all response costs (albeit probably under a "Reservation of Rights"). Until a definitive response to this effect is received from the insurer, however (and as I'm sure you know) the Company is foreclosed from incurring any further investigatory expenses or other costs that could be considered "response costs" if it is to be successful in its Statement of Position that the insurer has full environmental liability coverage responsibility.

Mr. Kenneth W. Liss  
Illinois Environmental Protection Agency  
February 23, 1990  
Page Two

I'm certain you understand it will be to the advantage of both your Agency, the State of Illinois and the IEPA to have a solvent and financially capable insurer committed to any and all environmental liability and response costs in connection with the Vandalia Facility as opposed to having only VanTran and its now-closed Vandalia Facility as PRPs. With this in mind and on this basis, we request extensions of time on all presently contemplated remedial projects of not less than six (6) months from the date of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gerald Tockman', written over a horizontal line.

Gerald Tockman

GT:awn

cc: Ms. Angela Aye Tin  
Steve Parke  
A. E. Bolin

GERALD TOCKMAN



217/782-5751

Refer to: 0510350004 -- Fayette County  
Vandalia/Van Tran Electric Corporation  
ILD 981093628  
Compliance File

COMPLIANCE INQUIRY LETTER

Certified # *P115 235 612*

September 20, 1989

Van Tran Electric Corporation  
Attn: Steve Parke  
P.O. Box 20128  
Waco, Texas 76702

Dear Mr. Parke:

The purpose of this letter is to address the status of the above-referenced facility in relation to the requirements of 35 Ill. Adm. Code, Subpart F and to inquire as to your position with respect to the apparent violations identified in Attachment A and your plans to correct these apparent violations. The Agency's findings of apparent non-compliance in Attachment A are based on an inspection completed on August 15, 1989. In addition, apparent violations found in previous inspections were again observed. For your convenience a copy of the inspection report is enclosed with this letter.

Please submit in writing, within fifteen (15) calendar days of the date of this letter, the reasons for the identified violations, a description of the steps which have been taken to correct the violations and a schedule, including dates, by which each violation will be resolved. The written response, and two copies of all documents submitted in reply to this letter, should be sent to the following:

Angela Aye Tin, Manager  
Technical Compliance Unit  
Compliance Section  
Illinois Environmental Protection Agency  
Division of Land Pollution Control  
2200 Churchill Road  
Post Office Box 19276  
Springfield, Illinois 62794-9276

Further, take notice that non-compliance with the requirements of the Illinois Environmental Protection Act and rules and regulations adopted thereunder may be the subject of enforcement action pursuant to either the Illinois Environmental Protection Act, Ill. Rev. Stat., Ch. 111 1/2, Sec. 1001 et seq. or the federal Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Sec. 6901 et seq.



Page 2

If you have any questions regarding the above, please contact Karen Nelson at 217/786-6892.

Sincerely,

*Angela Aye Tin*

Angela Aye Tin, Manager  
Technical Compliance Unit  
Compliance Section  
Division of Land Pollution Control

AAT:CLN:rmi/3215k/52-53

cc: Division File  
Springfield Region  
Collinsville Region  
Bruce Carlson  
Ken Liss  
Chris Nifong



Attachment A

Pursuant to 35 Ill. Adm. Code 725.191(c), all monitoring wells must be cased in a manner that maintains the integrity of the monitoring well bore hole. This casing must be screened or perforated and packed with gravel or sand where necessary to enable sample collection at depths where appropriate aquifer flow zones exist. The annular space (i.e., the space between the bore hole and well casing) above the sampling depth must be sealed with a suitable material (e.g., cement grout or bentonite slurry) to prevent contamination of samples and the groundwater.

You are in apparent violation of 35 Ill. Adm. Code 725.191(c) for the following reason(s): Monitor wells VT-2, VT-4, 6W-B and 6W-F all have either upheaved or cracked surface seals, which may allow infiltration of surface water to the groundwater that is supposed to be monitored. These wells need to be repaired.

Please note that the installation of monitor wells E and F (located north of the surface impoundment) appear to be in accordance with conditions 8a through 8e of the July 18, 1988, letter from DLPC/Permits Section which outlined closure/post closure requirements. Monitor wells A, E and F appear to meet the minimum requirements for three down gradient wells as defined in Section 725.191(a)(2). Monitor well D appears to satisfy the requirements for an upgradient well as defined in Section 725.191(a)(1).

Compliance with 725.191(a)(1) and (a)(2) will be documented by a separate letter.

AAT:CLN:rmi/3215k/54

GERALD TOCKMAN  
A PROFESSIONAL LAW CORPORATION  
SUITE 1001, SECURITY BUILDING  
319 N. FOURTH STREET  
SAINT LOUIS, MISSOURI 63102

45877  
**RECEIVED**

OCT 16 1989  
TELEPHONE  
(314) 241-8909  
FACSIMILE  
(314) 241-8936

**OFFICE OF RCRA**  
WASTE MANAGEMENT DIVISION  
EPA, REGION V

October 11, 1989

VIA AD COM EXPRESS

**RECEIVED**

OCT 12 1989

IEPA-DLPC

Mr. Ken Page  
Illinois Environmental Protection Agency  
2200 Churchill Road  
Springfield, Illinois 62794-9276

Re: 0510350004 - Fayette County  
Vandalia/VanTran Electric Corporation  
ILD 981093628 - Compliance File

Dear Mr. Page:

Being unable on a number of occasions to reach you by telephone, this letter is being expressed to you to cover the subject matter of what I wanted to discuss with you.

As I understand it from Steve Park~~e~~ of my client, VanTran Electric Corporation, you have filled the position Bruce Carlson occupied in connection with the above matter vis-a-vis VanTran's Vandalia (closed) facility. In that connection, I'm certain you're aware of the fact that a meeting is scheduled between representatives of VanTran and the Illinois EPA on Monday, October 16 beginning at 10:00 a.m. at the Collinsville office of the IEPA. The purpose of that meeting (which has been scheduled by and will be conducted by Ken Liss) is to attempt to resolve the RCRA closure of the pit at Vandalia which, according to Mr. Liss, concerns only a program for removal of the pit and some water monitoring.

It's my understanding that you, as well as Ms. Angela Aye Tin and other IEPA representatives, will be in attendance on October 16 for the purpose of then conducting a separate meeting with myself and representatives of VanTran concerning Ms. Aye Tin's "compliance inquiry letter" dated September 20, 1989. I would appreciate it if you would call to confirm the scheduling of this second meeting following completion of the 10:00 a.m. meeting dealing with RCRA only.

Mr. Ken Page  
Illinois Environmental Protection Agency  
October 11, 1989  
Page Two

If there are any questions, please call.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Gerald Tockman', with a stylized, cursive script.

Gerald Tockman

GT:awn

cc: Angela Aye Tin  
Ernest W. Brix, Jr.  
Kenneth W. Liss  
Steve Parke

GERALD TOCKMAN



GERALD TOCKMAN  
A PROFESSIONAL LAW CORPORATION  
SUITE 1001, SECURITY BUILDING  
319 N. FOURTH STREET  
SAINT LOUIS, MISSOURI 63102

~~KC-USEPA R-V~~  
~~Ken Page~~  
~~Todd Rowe~~  
~~Southern Region~~  
~~Ken Liss~~

*orig to file*

TELEPHONE  
(314) 241-8909  
FACSIMILE  
(314) 241-8936

September 7, 1989

Mr. Kenneth W. Liss  
Illinois Environment Protection Agency  
Post Office Box 19276  
Springfield, Illinois 62794-9276

RECEIVED

SEP 11 1989

IEPA-DLPC

Re: 0510350004 -- Fayette County  
Vandalia/Van Tran Electric Corporation  
IL0981093628  
Compliance File

Dear Mr. Liss:

This is a follow-up to our telephone conversation on August 30 concerning the setting of a date and location for a Pre-Enforcement Conference concerning the above. When we talked, you suggested I wait until Van Tran received your Agency's Pre-Enforcement Conference Letter before making the formal request for a change in the suggested meeting date and location. Having just received a copy of the September 1 Pre-Enforcement Conference Letter and its "ATTACHMENT A", this will constitute my formal request on behalf of my client Van Tran (and myself) for a change in the suggested date for the meeting and the suggested location.

As I mentioned to you, I have pre-scheduled meetings in and out of town from September 11 through September 25, part of which involves previously scheduled meetings in Washington, D.C. Following my return to the office and occupation with "catching up", the Jewish High Holidays (which I observe in the Orthodox manner) begin at sundown on September 29 and conclude at sundown on October 9. As a practical matter, the only date I have convenient for the suggested meeting is Monday, October 16, a date also convenient to Van Tran.

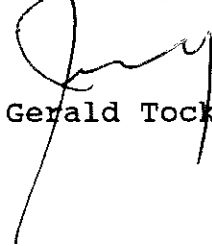
Second, with regard to the proposed location of the meeting, I suggest it be conducted here in our office's large conference room for a number of reasons. First, transportation connections to St. Louis from Van Tran's headquarters in Waco are more easy to make than to Springfield or Vandalia. Second, the "personnel and records" Mr. Chappel's September 1 Pre-Enforcement Conference Letter suggests be brought to the conference in order to enable a "complete discussion" of the items set out in the Pre-Enforcement Conference Letter and "ATTACHMENT A" are (at least insofar as records and documents are concerned) voluminous, consisting of at

Mr. Kenneth W. Liss  
September 7, 1989  
Page Two

least two (2) large size file cabinets. In order to make certain that your Agency has available to it all the records and documents Mr. Chappel suggests (and I agree) are necessary for "complete discussion", I suggest and request the Pre-Enforcement Conference be held here at my offices beginning at whatever time convenient to yourself and the Agency on October 16, 1989.

Please let me know whether the suggestions and meeting date and location set out here are acceptable at your earliest convenience.

Sincerely,

A handwritten signature in dark ink, appearing to be 'Gerald Tockman', with a long vertical line extending downwards from the bottom of the signature.

Gerald Tockman

GT:mfp

cc: Harry A. Chappel  
Steve Parke

GERALD TOCKMAN

GERALD TOCKMAN  
A PROFESSIONAL LAW CORPORATION  
SUITE 1001, SECURITY BUILDING  
319 N. FOURTH STREET  
SAINT LOUIS, MISSOURI 63102

XLUSEPA  
xc FOS Collinsville  
xc FOS Karen Nelson HEN

CLN  
TELEPHONE  
(314) 241-8909  
FACSIMILE  
(314) 441-8936

September 29, 1989

RECEIVED  
OCT 16 1989

OFFICE OF RCRA  
WASTE MANAGEMENT DIVISION  
EPA, REGION V

VIA ADCOM EXPRESS

Ms. Angela Aye Tin  
Manager  
Technical Compliance Unit  
Compliance Section  
Illinois Environmental Protection Agency  
Division of Land Pollution Control  
2200 Churchill Road  
Post Office Box 19276  
Springfield, Illinois 62794-9276

RECEIVED

OCT 2 1989

IEPA-DLPC

Re: 0510350004 -- Fayette County  
Vandalia/VanTran Electric Corporation  
ILD 981093628 - Compliance File  
("COMPLIANCE INQUIRY LETTER")

Dear Ms. Aye Tin:

As I'm certain your and the IEPA's files show, this Office represents VanTran Electric Corporation (the "Company"), among other things, in connection with the above-referenced matter. In that regard, this is in response to your "COMPLIANCE INQUIRY LETTER" directed to Mr. Steve Parke dated September 20, 1989 and not received at the Company in Waco, Texas until September 25, 1989. The September 25, 1989 date of the receipt of the Letter by the Company and the September 27 date of my receipt of a copy (notwithstanding the fact that, in addition to all the "ccs", our law firm which has regularly been added to copies of correspondence provided was not on this occasion) make impracticable submission to you in writing of the information requested in your September 20 Letter "within fifteen (15) calendar days of the date of" the Letter.

Certainly, in order to provide the kind of documented and reasoned response to the details called for in your September 20, 1989 COMPLIANCE INQUIRY LETTER, some "reasonable" amount of time must be allowed for the massive investigation, research and document collation called for by your Letter and the Attachment A and Appendices A-1 through A-4 attached to it. This is particularly the case given the facts that: almost identical such compliance inquiry letters have on a number of occasions been directed to the Company and responded to by it with the

Ms. Angela Aye Tin  
September 29, 1989  
Page Two

consultant Baker/TSA, Inc.; IEPA, although relying upon most of the studies, tests and analyses performed by Baker/TSA, Inc. at the instruction of IEPA and in accord with the RI/FS prepared for IEPA by EEI, has for some "minimal" (if valid) and contested transpositional clerical error "disqualified" or "delisted" Baker/TSA, Inc. as a "qualified consultant", thus "picking and choosing" between aspects of Baker's ongoing consultant work with VanTran and seemingly requiring us to "start all over again" (notwithstanding the substantial expenses incurred by the Company for Baker's services to date); and, all the foregoing matters, as well as related issues identical to those set out in your Letter, are to be the subject matter of a conference held here at my office or in Springfield set up by Mr. Kenn Liss for October 16, 1989. In order to conserve the resources and energies of IEPA, its agents and representatives and those of VanTran and its agents and representatives, I respectfully submit that responses to your Letter (if any are required after the October 16, 1989 conference) be continued and extended until no earlier than October 23, 1989. Having worked with your Agency over the past several years and found it receptive to requests for extensions of time when there exist reasons to do so, I assume what's suggested here will be acceptable to you and the IEPA.

Sincerely,



Gerald Tockman

GT:mfp

cc: Bruce Carlson  
Kenn Liss  
Ernest W. Brix, Jr.  
Steve Parke

=

GERALD TOCKMAN

GERALD TOCKMAN  
A PROFESSIONAL LAW CORPORATION  
SUITE 1001, SECURITY BUILDING  
319 N. FOURTH STREET  
SAINT LOUIS, MISSOURI 63102

~~XC USEPA~~  
~~XC FOS Collinsville~~  
~~XC FOS Raven Nelson~~  
~~XC RWL~~  
MEN CLN

August 24, 1989

RECEIVED

TELEPHONE  
(314) 241-8909  
FACSIMILE  
(314) 241-8936

AUG 25 1989

IEPA-DLPC

Ms. Angela Aye Tin, Manager  
Technical Compliance Unit  
Compliance Section, Illinois Environmental Protection Agency  
Division of Land Pollution Control  
2200 Churchill Road  
P. O. Box 19276  
Springfield, Illinois 92794-9276

Re: 0510350004 - Fayette County  
Vandalia/Van Tran Electric Corporation  
ILD981093628 Compliance File

Dear Ms. Aye Tin:

At the request of Van Tran Electric's Vice President, Steve Parke, this will attempt to respond fully to your "compliance inquiry letter" dated August 17, 1989, received August 21, 1989 by Van Tran, regarding the above-referenced matter.

First, insofar as your request asks for a description of steps taken to "correct" the asserted violations of the IEPA and a schedule for "correction" of each asserted violation, the facts are relatively uncomplicated. Except for the obstacles placed in Van Tran's way by the lack of cooperation between the USEPA and your Agency and by the "arbitrary disqualification" by your Agency of Van Tran's outside compliance engineering firm, Baker Engineering, Van Tran has done all within its reasonable capability which it can do as of this writing.

Notwithstanding these particular and often unreasonable complications arising from lack of cooperation between the USEPA and your Agency, two (2) wells were installed at the now closed-down Vandalia facility as instructed by your Agency and as contemplated in the "Consent Decree". However, there has been no regular monitoring of those wells or the closure plan concerning them submitted to your agency by Van Tran because all of the underlying Baker Engineering reports and plans, as well as Baker Engineering itself, have been arbitrarily rejected by and refused consideration by your Agency for the asserted reason that Baker Engineering is (or somehow became) no longer a "qualified contractor" under IEPA "standards of qualification".

I suggest to you, as we've repeatedly suggested to your Office (and to Bruce Carlson in particular), that we meet at a

Ms. Angela Aye Tin  
Compliance Section, IEPA  
August 24, 1989  
Page Two

time and place convenient to your Office to determine what actually needs to be done for USEPA and IEPA "compliance" without bankrupting Van Tran Electric. In that regard, please call when convenient.

GT:awn

cc: Steve Parke

ROUTING AND TRANSMITTAL SLIP

Date

9/15/89

TO: (Name, office symbol, room number,  
building, Agency/Post)

Initials Date

1.

2.

3.

4.

5.

<input checked="" type="checkbox"/> Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

Please research what the  
alleged "lack of cooperation"  
between IEPA and USEPA is, and  
then let me know your findings

Thanks

DO NOT use this form as a RECORD of approvals, concurrences, disposals,  
clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)

Room No.—Bldg.

Phone No.

5041-102

★ U.S.GPO:1986-0-491-247/20047

OPTIONAL FORM 41 (Rev. 7-76)  
Prescribed by GSA  
FPMR (41 CFR) 101-11.206

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Steve Parke  
Van Tran Electric  
7711 Imperial Drive  
Waco, Texas 76710

Re: Land Disposal Restrictions  
Van Tran Electric Corp.  
ILD 981 093 628

Dear Mr. Parke:

On June 23, 1989, the Indiana Department of Environmental Management (IDEM) representing the United States Environmental Protection Agency (U.S. EPA), conducted a land disposal restriction inspection at the above-referenced facility. The purpose of the inspection was to determine the facility's compliance with respect to the Federal land disposal restriction requirements of Subtitle C of the Resource Conservation and Recovery Act (RCRA) of 1976, as amended. The land disposal restrictions for F001-F005 spent solvents became effective on November 8, 1986, (40 CFR Parts 268 and revisions to 40 CFR Parts 260-265 and 270-271) and for "California List" hazardous wastes on July 8, 1987, (52 Federal Register 25760: revisions to 40 CFR Parts 262, 264, 265, 268, and 270-271) and for "First Third" hazardous wastes on August 5, 1988, (53 Federal Register 31138: revisions to 40 CFR Parts 264, 265, 266, 268, and 271).

As a result of that inspection, it has been determined that your facility is in violation of the following:

- (1) The facility failed to have a waste analysis plan to meet applicable provisions of the land disposal restrictions as required by 40 CFR 265.13(a);
- (2) The facility has failed to manage its waste in compliance with the requirements of 40 CFR 268.50(a). The storage of hazardous waste restricted from land disposal is prohibited unless a generator stores such waste in tanks or containers on-site solely for the purpose of accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal and generators comply with the requirements in 40 CFR 262.34. An owner/operator of a treatment, storage or disposal facility may store such wastes beyond one year; however, the

owner/operator bears the burden of proving that such storage was solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment or disposal. You have continuously stored land disposal restricted wastes (F003 & F005) since December 1986, and failed to demonstrate that such storage is necessary for proper recovery, treatment or disposal.

Please submit to this office within fifteen (15) days of receipt of this notice of violation, documentation demonstrating that the above cited violations have been corrected and indicating that measures have been initiated to assure further compliance. Failure to correct these violations may subject the facility to further federal enforcement action.

If you have any questions regarding this correspondence, please contact Jonathan Adenuga at (312) 886-7954.

Sincerely yours,

Joseph M. Boyle, Chief  
IL/IN Technical Enforcement Section  
RCRA Enforcement Branch

cc: Gary King, IEPA  
Harry Chappel, IEPA

5HR-12:Adenuga:lr:8/7/89 #51





Illinois Environmental Protection Agency 2200 Churchill Road, Springfield, IL 62706

217/782-6761

Refer to: 0510350004 -- Fayette County  
Vandalia/Van Tran Electric Corp.  
ILD551093628  
Compliance File

April 27, 1988

VanTran Electric Corporation  
Attn: Mr. Steve Parke  
P.O. Box 20128  
7711 Imperial Drive  
Waco, Texas 76702-0128

Dear Mr. Parke:

The Agency is in receipt of your April 14, 1988 response(s) to our April 1, 1988 Compliance Inquiry Letter. Your response(s) has been reviewed and the apparent violation(s) of Section(s) 725.194(b)(2) is now considered resolved.

If you have any questions, please contact Kenneth W. Liss at 217/785-6761.

Sincerely,

Angela Aye Tin, Manager  
Technical Compliance Unit  
Compliance Section  
Division of Land Pollution Control

AAT:KML:CLN:rmi/71493/90

cc: Division File  
Collinsville Region  
Kenn Liss  
Chris Kifong  
USEPA Region V ✓



217/782-6761

Refer to: 0510350004 -- Fayette County  
Vandalia/Van Tran Electric Corp.  
ILD981093620  
Compliance File

COMPLIANCE INQUIRY LETTER

Certified # 11 511 1 11 11

April 1, 1988

Van Tran Electric Corporation  
Attn: Mr. Steve Parke  
P.O. Box 20128, 7711 Imperial Drive  
Waco, Texas 76702-0128

Dear Mr. Parke:

The purpose of this letter is to address the status of the above-referenced facility in relation to the requirements of 35 Ill. Adm. Code, Part 725 and to inquire as to your position with respect to the apparent violations identified in Attachment A and your plans to correct these apparent violations.

The Agency's findings of apparent non-compliance in Attachment A are based on a March 25, 1988 review of documents submitted to the Agency to demonstrate compliance with the requirements of Subpart F.

Please submit in writing, within fifteen (15) calendar days of the date of this letter, the reasons for the identified violations, a description of the steps which have been taken to correct the violations and a schedule, including dates, by which each violation will be resolved. The written response, and two copies of all documents submitted in reply to this letter, should be sent to the following:

Angela Aye Tin, Manager  
Technical Compliance Unit  
Compliance Section  
Illinois Environmental Protection Agency  
Division of Land Pollution Control  
2200 Churchill Road  
Post Office Box 19276  
Springfield, Illinois 62794-9276

Further, take notice that because some or all of the apparent violations cited constitute high priority violations (HPVs), in accordance with the USEPA Enforcement Response Policy this matter is being referred to USEPA Region 5 or the Illinois Attorney General's Office to seek assessment of a penalty pursuant to either the Illinois Environmental Protection Act, Ill. Rev. Stat., Ch. 111 1/2, Sec. 1001 et seq. or the federal Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Sec. 6901 et seq.



Page 2

If you have any questions regarding the above, please contact Kenneth W. Liss at the number listed above.

Sincerely,

*Angela Aye Tin*  
Angela Aye Tin, Manager  
Technical Compliance Unit  
Compliance Section  
Division of Land Pollution Control

AAT:KL:JR:sf/909j,40-49

cc: Division File  
Central Region  
Kenn Liss  
USEPA Region V ✓  
John Richardson



Attachment A

Pursuant to 35 Ill. Adm. Code 725.194(b)(2), if the groundwater is monitored to satisfy the requirements of Section 725.193(d)(4) the owner or operator must annually, until final closure of the facility, submit to the Director a report containing the results of his groundwater quality assessment program which includes, but is not limited to, the calculated (or measured) rate of migration of hazardous waste or hazardous waste constituents in the groundwater during the reporting period. This report must be submitted as part of the annual report required under Section 725.175.

You are in apparent violation of 35 Ill. Adm. Code 725.194(b)(2) for the following reason(s): As of the date of this letter, the Agency has not received the groundwater information required under Section 725.175. (annual report)

KL:JR:sf/909j,50

817  
772-9740



*Reg V*

**Vantran ELECTRIC CORPORATION**

7711 IMPERIAL DRIVE • P.O. BOX 20128 • WACO, TEXAS 76702-0128

*XC TO REGION V + HQ  
Then to: BURFELSON  
STEVE DAVIS*

October 1, 1987

Linda S. Kissinger, Mgr.  
Compliance Section  
Illinois EPA  
P.O. Box 19276  
Springfield, IL 62794-9276

Dear Ms. Kissinger:

This letter is in response to your compliance letter dated September 18, 1987. Answers to the identified violations are as follows:

1. 703-150 - Is in litigation.
2. 722.111 - Copy of ignitability test attached.
3. 725.114 - Signs will be posted by 10-16-87.
4. 725.115 - The only thing missing from our inspection records was the inspectors name. That name is Bob Smith. The rest of 725.115 is covered in the booklet mentioned below.
- 5.6.7 - Are thoroughly covered in a booklet given to Mr. Grant at the 8-21-87 inspection.
8. 725.173 - Material is in storage shed. See map attached.
9. 725.175 - Report will be submitted by 10-30-87.
10. 725.212 - Closure has been submitted twice. We cannot close because the IEPA cannot determine where to locate two down gradient wells.
11. 725.328 - IEPA will not let us until two down gradient wells are installed. We are waiting on the IEPA.

Very truly yours,

VANTRAN ELECTRIC CORPORATION

*Steve Parke*

Steve Parke  
Vice-President - Compliance Officer

SP/cjr

Encl.

RECEIVED

OCT 5 1987

IEPA/DLPC

CENTRAL TEXAS QUALITY ASSURANCE LABORATORY

P.O. Box 23147  
WACO, TEXAS 76702-3147

GERARD N. SCHANK

OFFICE (817) 772-5549  
HOME (817) 772-3899

#2 722.111

September 15, 1987

Mr. Steve Parke  
VanTran Electric Corp.  
P.O. Box 20128  
Waco, Tx. 76702-0128

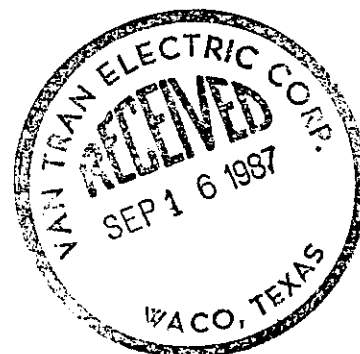
Dear Mr. Parke,

The two samples for Flash Point by Pensky Martin Closed Cup Method  
yielded results as follows:

Filter Medium	>230° F.
Polyethylene Tarp	>230° F.

Sincerely,

*Gerard N. Schank*  
Gerard N. Schank



RECEIVED

OCT 5 1987

IEPA/DLPC

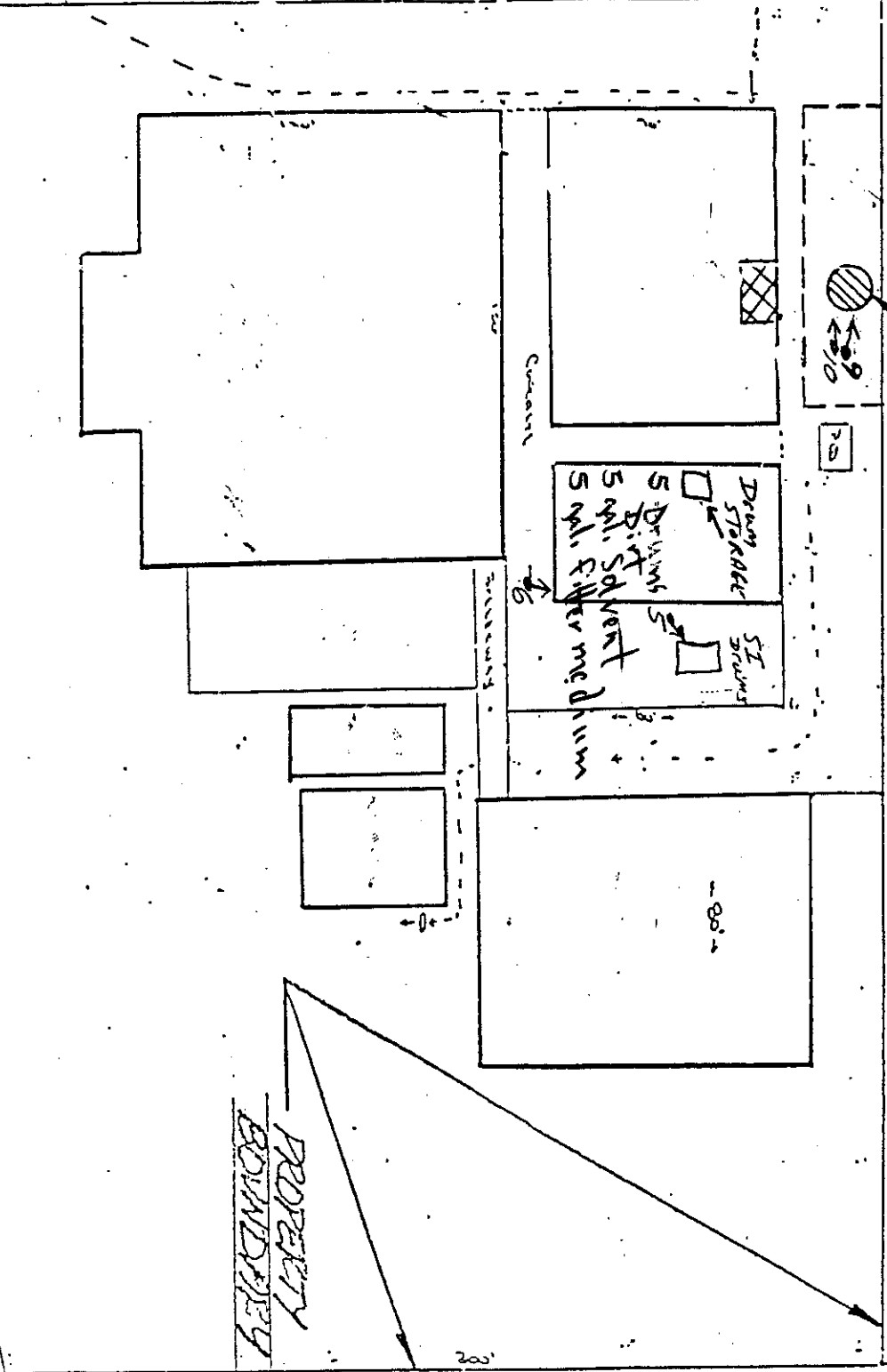
COLLINSVILLE OFFICE  
FEB 11 1987  
IEPA RECEIVED

RECEIVED  
SEP - 3 1987  
IEPA/DLPC

SITE PLAN  
FROM V. TROY  
CLOSED

#8 725.173

SURFACE IMPOUNDMENT



RECEIVED

OCT 5 1987

IEPA/DLPC

VAULTAGE ELECTRIC  
0510350004

PHOTOS

ROAD ADJACENT ROAD



## REMARKS

0510350004 - Fayette County - Vandalia Van/Tran Electric Corporation

Van Tran Electric Corporation is a manufacturer of 5 to 5000 KV transformers. The facility also operates a warranty repair shop for their transformers. The facility was initially inspected on June 3, 1985. During that inspection, a surface impoundment was discovered. The facility has a paint spray booth used to paint transformer parts. The solvent and paint waste was being placed into the impoundment. The pit was also determined to be contaminated with PCB's. Van Tran removed five 55 gallon drums of contaminated soil and backfilled the pit. Ongoing negotiations have been occurring to date with regards to the facility's voluntary closure/clean-up.

The facility is using xylene as the thinner associated with cleaning the paint guns and thinning the paint. The thinner used to clean the guns is poured back into the paint pails and re-used in the process. Per Van Tran's records, no waste solvent has been generated since June of 1986. The current waste on-site is approximately five gallons of spent solvent, five gallons of filter media used to reclaim spent solvent, and the five 55 gallon drums of contaminated soil that was excavated from the pit. The filter media is no longer generated because Van Tran switched from using solvent to wipe down transformers (to remove oil) to a biodegradable detergent. Mr. Parke told us that the waste in storage would not be removed until the clean-up was underway and would be shipped with waste generated from those activities. The drums are being stored in a locked building and secondary containment has been provided.

Twelve drums were generated during the site investigation conducted by Baker, TSA, and Envirodyne. These drums contain rinse water used to decontaminate sampling gear, disposable equipment and trash, i.e.; tyveks and gloves. These drums were handled by the site investigation contractors, and Van Tran is not handling them. These drums will also be removed when closure/clean activities begin.

Analysis of the wastes were reviewed, however, the analysis of the paint booth filters did not include a determination for ignitability. Mr. Parke told me the filters are no longer placed in the dumpster, but rather shipped to the Waco, Texas facility and disposed with the paint filters generated by that facility.

Van Tran has decided to shut down their Vandalia operations. Per Mr. Parke, shutdown is scheduled to take place around the second week of September, 1987. There were approximately ten employees still working at the facility. After shutdown, the equipment will be dismantled and shipped to one of the two other Van Tran facilities. Once this is completed, the facility will be closed. The only activities which will occur at the premises, after it is closed, will be the closure/clean-up activities. As a result of the facility closing, operating standards of interim status will not be applicable, i.e.; training of employees and operating records. The surface impoundment has not been RCRA closed and remains a regulated unit, however, since it has been backfilled, the requirements of Subpart K (Surface Impoundments) were not addressed. As a result of this inspection, the following apparent violations were observed.

- 1) 703.150 - Failure to submit Part A of the permit application.

RECEIVED

SEP -3 1987

IEPA/DLPC



USEPA



Illinois Environmental Protection Agency 2200 Churchill Road, Springfield, IL 62706

217/782-6761

Refer to: 0510350004 - Fayette County  
Van Tran Electric  
ILD981093628  
Compliance File

August 26, 1987


Mr. Steve Parke, Compliance Officer  
Van Tran Electric Corporation  
7711 Imperial Drive  
Waco, TX 76710

Dear Mr. Parke:

On July 23, 1987, your facility was inspected by Chuck Reeter and Randy Ballard of the Illinois Environmental Protection Agency. The purpose of this inspection was to determine your facility's compliance with 35 Illinois Administrative Code, Part 725, Subpart(s) F. At the time of this inspection, apparent violations found in previous inspection(s) were again observed.

For your information, a copy of the inspection report is enclosed. Should you have any questions regarding the inspection, please contact Chuck Reeter at 618/345-4606.

Sincerely,

  
Linda J. Kissinger, Manager  
Technical Compliance Unit  
Compliance Section  
Division of Land Pollution Control

LJK:BF:pmc3455g/2

Enclosure

cc: Division File  
Collinsville Region  
Bruce Carlson  
Steve Davis  
Dor Filson  
USEPA-Region V ✓



Illinois Environmental Protection Agency · P.O. Box 19276, Springfield, IL 62794-9276

---

(217)782-5544

August 20, 1987

Joe Boyle 5HE12  
United States Environmental  
Protection Agency  
230 South Dearborn  
Chicago, Illinois 60604

Dear Joe:

On August 13, 1987 an order was entered in the case of People of Illinois and IEPA V. Van Tran Electric Corp enjoining further RCRA violations in accordance with the terms of the order. A copy is attached.

Sincerely,

*Gary P. King*

Gary P. King  
Senior Attorney

GK:tdd

Enclosure

RECEIVED  
AUG 21 1987  
U.S. EPA, REGION V  
WASTE MANAGEMENT DIVISION  
HAZARDOUS WASTE ENFORCEMENT BRANCH

IN THE CIRCUIT COURT FOR THE FOURTH JUDICIAL CIRCUIT  
FAYETTE COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS and  
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,

Plaintiffs,

vs.

VAN TRAN ELECTRIC CORPORATION,

Defendant.

No. 86-CH-3

PRELIMINARY INJUNCTION

This cause coming on to be heard on plaintiff's motion for preliminary injunction pursuant to the remand order of the Fifth District Appellate Court entered in the interlocutory appeal of this cause and this court, being fully advised in the premises, does hereby find that:

1. Plaintiffs have demonstrated a release of hazardous substances (including polychlorinated biphenyls, "PCBs") into the environment has occurred at defendant's Vandalia facility in that said hazardous substances have contaminated soils off-site from defendant's facility.

2. Plaintiffs have demonstrated a substantial threat of a release of hazardous substances (including PCBs) into the environment has occurred at defendant's Vandalia facility in that said hazardous substances have contaminated soils at defendant's facility to such a depth that contamination of the groundwater at the site is possible.

3. In light of this demonstration, plaintiffs are entitled to an injunction preventing defendant from barring the Illinois Environmental Protection Agency access, pursuant to

section 4(d) of the Environmental Protection Act (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 1004(d)) ("the Act"), to defendant's property.

4. Plaintiffs' complaint alleged that defendant has violated sections 21(f)(1) and (2) of the Act (Ill. Rev. Stat. 1985, ch. 111 1/2, pars. 1021(f)(1) and (2)) and 35 Ill. Adm. Code 722.112(c), 722.120, 725.111, 725.113(a)(1), 725.113(b), 725.114, 725.115, 725.116, 725.117, 725.131, 725.132, 725.133, 725.134, 725.137, 725.151, 725.155, 725.173, 725.174, 725.175, 725.190, 725.191, 725.192, 725.193, 725.194, 725.212, 725.242, 725.243, 725.244, 725.245, 725.322, 725.326, 725.329, and 725 subparts G and H in its storage and disposal of hazardous wastes and by its lack of compliance with the requirements for reporting relating thereto. Plaintiffs have demonstrated that defendant has violated sections 21(f)(1) and (2) of the Act (Ill. Rev. Stat. 1985, ch. 111 1/2, pars. 1021(f)(1) and (2)), and 35 Ill. Adm. Code 722.112(c), 722.120, 725.111, 725.113(a)(1), 725.115, 725.116, 725.117, 725.131, 725.132, 725.133, 725.134, 725.137, 725.151, 725.155, 725.173, 725.174, 725.175, 725.190, 725.191, 725.192, 725.193, 725.194, 725.212, 725.242, 725.243, 725.244, 725.245, 725.322, 725.326, and 725.329. Defendant has agreed that it will comply with the requirements of subparts G and H of 35 Ill. Adm. Code not referenced above if the closure of the facility is performed under RCRA. Defendant has further agreed to submit a report addressing the requirements of 35 Ill. Adm. Code 725.113(b) and 725.114 within thirty (30) days of the entry of this injunction and plaintiffs have agreed to withdraw their

request for injunctive relief regarding those provisions pending review of that report. Therefore, pursuant to section 42(e) of the Act (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 1042(e)), plaintiffs are entitled to an injunction. People v. Kaeven, 68 Ill.App.3d 91, 97, 385 N.E.2d 804, 808 (5th Dist. 1978).

5. Subsequent to the issuance of the remand order, the parties have entered into a consent plan regarding testing at the Van Tran facility which has been approved by this court and that consent plan is incorporated herein by reference.

WHEREFORE IT IS ORDERED AND ADJUDGED THAT:

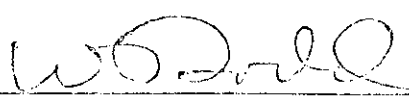
A. Defendant Van Tran Electric Corporation is enjoined from barring Illinois Environmental Protection Agency access, pursuant to section 4(d) of the Act (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 1004(d)), to the defendant's Vandalia facility;

B. Defendant Van Tran Electric Corporation is enjoined from further violations of sections 21(f)(1) and (2) of the Act (Ill. Rev. Stat. 1985, ch. 111 1/2, pars. 1021(f)(1) and (2)) and 35 Ill. Adm. Code 722.112(c), 722.120, 725.111, 725.113(a)(1), 725.115, 725.116, 725.117, 725.131, 725.132, 725.133, 725.134, 725.137, 725.151, 725.155, 725.173, 725.174, 725.175, 725.190, 725.191, 725.192, 725.193, 725.194, 725.212, 725.242, 725.243, 725.244, 725.245, 725.322, 725.326, and 725.329, in its handling and storage of hazardous wastes at its Vandalia facility and its compliance with the reporting requirements relating thereto; and

C. Defendant Van Tran Electric Corporation and plaintiff Illinois Environmental Protection Agency shall also comply with the terms of the consent plan regarding Van Tran

Facility approved by this court on May 18, 1987 in the case of  
Van Tran Electric Corporation v. Illinois Environmental  
Protection Agency, 85-CH-48.

Entered: August 13 1987

  
\_\_\_\_\_  
Judge William Todd



217/782-6761

Refer to: 0510350004 -- Fayette County  
Vandalia/Van Tran Electric Corp.  
Compliance File

COMPLIANCE INQUIRY LETTER

Certified #

April 8, 1987

Mr. Steve Parke, Compliance Officer  
Van Tran Electric Corporation  
Post Office Box 70128  
7711 Imperial Drive  
Waco, Texas 76702-0128

Dear Mr. Parke:

The purpose of this letter is to address the status of the above-referenced facility in relation to the requirements of 35 Ill. Adm. Code Part 725, Subpart F and to inquire as to your position with respect to the apparent violations identified in Attachment A and your plans to correct these apparent violations. The Agency's findings of apparent non-compliance in Attachment A are based on a April 2, 1987 review of documents submitted to the Agency to demonstrate compliance with the requirements of 35 Ill. Adm. Code 725.175 Annual Report due March 1, 1987.

Please submit in writing, within fifteen (15) calendar days of the date of this letter, the reasons for the identified violations, a description of the steps which have been taken to correct the violations and a schedule, including dates, by which each violation will be resolved. The written response, and two copies of all documents submitted in reply to this letter, should be sent to the following:

Harry A. Chappel, P.E., Acting Manager  
Facilities Compliance Unit  
Compliance Monitoring Section  
Illinois Environmental Protection Agency  
Division of Land Pollution Control  
2200 Churchill Road  
Post Office Box 19276  
Springfield, Illinois 62794-9276

Further, take notice that because some or all of the apparent violations cited constitute high priority violations (HPVs), in accordance with the USEPA Enforcement Response Policy this matter is being referred to USEPA Region 5 or the Illinois Attorney General's Office to seek assessment of a penalty pursuant to either the Illinois Environmental Protection Act, Ill. Rev. Stat., Ch. 111 1/2, Sec. 1001 et seq. or the federal Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Sec. 6901 et seq.





Page 2

If you have any questions regarding the above, please contact Stephen Davis at 217/782-6761.

Sincerely,

  
Harry A. Chappel, P.E., Acting Manager  
Facilities Compliance Unit  
Compliance Monitoring Section  
Division of Land Pollution Control

HAC:BF:ba/2175g/41-42

cc: Division File  
Southern Region  
Bruce Carlson  
Stephen Davis  
Bar Filson  
USEPA - Region V





Attachment A

1. Pursuant to 35 Ill. Adm. Code 725.194(b)(2), if the groundwater is monitored to satisfy the requirements of Section 725.193(d)(4) the owner or operator must annually, until final closure of the facility, submit to the Director a report containing the results of his groundwater quality assessment program which includes, but is not limited to, the calculated (or measured) rate of migration of hazardous waste or hazardous waste constituents in the groundwater during the reporting period. This report must be submitted as part of the annual report required under Section 725.175.

You are in apparent violation of 35 Ill. Adm. Code 725.194(b)(2) for the following reason(s): The above required report for the RCRA impoundments was not submitted as part of an Annual Report due March 1, 1987.

2. Pursuant to 35 Ill. Adm. Code 725.194(a)(2), unless the groundwater is monitored to satisfy the requirements of Section 725.193(d)(4), the owner or operator must report the following groundwater monitoring information to the Director:
  - A. During the first year when initial background concentrations are being established for the facility: concentrations or values of the parameters listed in Section 725.192(b)(1) for each groundwater monitoring well within 15 days after completing each quarterly analysis. The owner or operator must separately identify for each monitoring well any parameters whose concentration or value has been found to exceed the maximum contaminant levels listed in Appendix III.
  - B. Annually: concentrations or values of the parameters listed in Section 725.192(b)(3) for each groundwater monitoring well, along with the required evaluations for these parameters under Section 725.193(b). The owner or operator must separately identify any significant differences from initial background found in the upgradient wells, in accordance with Section 725.193(c)(1). During the active life of the facility, this information must be submitted as part of the annual report required under Section 725.175.
  - C. As part of the annual report required under Section 725.175: results of the evaluation of groundwater surface elevations under Section 725.193(f) and a description of the response to the evaluation, where applicable.

You are in apparent violation of 35 Ill. Adm. Code 725.194(a)(2) for the following reason(s): The report required by A, B and C above for the RCRA impoundments was not submitted as part of an Annual Report due March 1, 1987.

LWE, we should  
discuss - see page  
19

TOCKMAN & WOLK  
A PROFESSIONAL LAW CORPORATION  
SUITE 1001, SECURITY BUILDING  
319 N. FOURTH STREET  
SAINT LOUIS, MISSOURI 63102

HRC

RECEIVED

MAR 12 1987

IEPA-DLPC  
TELEPHONE  
(314) 241-8909

ADMITTED IN ILLINOIS ONLY

GERALD TOCKMAN  
HOWARD L. MOCERF  
GREGORY H. WOLK  
STEPHEN L. UKMAN  
IRA M. POTTER  
CHERYL A. ROSE  
CAROLINE M. C. KOMYATI

FRANK L. PELLEGRINI  
OF COUNSEL

March 9, 1987

James L. Morgan, Esq.  
Assistant Attorney General  
Environmental Control Division  
500 South Second Street  
Springfield, IL 62706

RE: Van Tran v. IEPA

Dear Mr. Morgan:

Enclosed is a fully executed copy of the Consent Plan. I am returning another original to the Court. As per the attached, we are endeavoring to have these cases transferred to Judge Todd, and as soon as we make some progress toward that end I will send a copy of the Plan to Judge Todd and get a hearing set.

Very truly yours,

Gregory H. Wolk

GHW/blv

RECEIVED  
ENFORCEMENT PROGRAMS

MAR 11 1987

Environmental Protection Agency

CONSENT PLAN REGARDING  
VAN TRAN FACILITY, VANDALIA, ILLINOIS

This AGREEMENT entered into as a "CONSENT PLAN" between Van Tran Electric Corporation and the Illinois Environmental Protection Agency, on behalf of itself its agencies and assigns and its attorney, Neil F. Hartigan, Attorney General of the State of Illinois, this 1st day of March, 1987.

WITNESSETH:

WHEREAS, Van Tran Electric Corporation (hereinafter "Van Tran") and the Illinois Environmental Protection Agency (hereinafter "IEPA"), are parties to certain actions pending in the Circuit Court of Fayette County, Illinois, styled "Van Tran Electric Corporation v. Illinois Environmental Protection Agency," No. 85-CH-48, and "People of the State of Illinois and Illinois Environmental Protection Agency v. Van Tran Electric Corporation," No. 86-CH-3; and

WHEREAS, the Court on April 8, 1986 issued in said actions an Order requiring the parties to meet, and if possible, to prepare and submit to the Court a proposed plan for a testing program to be conducted upon Van Tran's property at Vandalia, Illinois showing areas of agreement of the parties as to such plan and areas of disagreement; and

WHEREAS, the parties have met from time to time pursuant to the Court's order and through their authorized representatives have reached certain agreements as set forth hereafter.

NOW THEREFORE, in consideration of the mutual promises of the parties as hereinafter set forth it is agreed as follows:

## ARTICLE I - GENERAL CONDITIONS

### A. PRESERVATION OF RIGHTS:

(1) It is understood and agreed by IEPA that all agreements, conditions, provisions and commitments of Van Tran hereunder are made solely for the purpose of settling and compromising claims by IEPA regarding its rights under governing statutes and regulations, which claims are disputed by Van Tran, and nothing herein contained shall be construed to constitute an admission by Van Tran bearing upon any facts, theories, or legal positions whatsoever, and specifically, shall not be deemed to constitute admissions that IEPA is authorized to enter Van Tran's property or that Van Tran has violated any law or regulation whatsoever, or that IEPA is entitled to recover any costs, expenses or expenditures related or unrelated to the activities hereinafter mentioned, under federal or Illinois "superfund" statutes, or otherwise, or that activities hereinafter set forth or related activities, whether performed by Van Tran, IEPA or any other parties, are necessary, reasonable, proper, or in any fashion required to be undertaken by any party.

(2) Each party expressly reserves all defenses, objections, claims, causes of action and issues, in law or in equity, which it has or may have to the claims which have been asserted or may be by the other in the above described actions. Van Tran further reserves any claims, defenses, objections, causes of action or issues in any action, claim or cause of action, in law or in equity, which may hereinafter be asserted by IEPA, or by any other person or party, public or private, relating to Van Tran's property at Vandalia, Illinois, including but not limited to any action pursuant to federal

or Illinois "superfund" statutes to collect or recover alleged response or other costs and IEPA reserves its right to pursue same. Van Tran specifically denies that any expenses, charges, outlays or other expenditures incurred by IEPA, directly or indirectly, in performing, implementing or overseeing the activities hereinafter set forth are either reasonable, necessary or are authorized by, required by or consistent with the National Contingency Plan, and specifically denies that any such expenses shall be recoverable from Van Tran in any action at law or equity.

(3) It is understood and agreed by Van Tran that all agreements, conditions, provisions and commitments of IEPA hereunder are made solely for the purpose of settling and compromising claims by Van Tran regarding its rights under governing statutes and regulations, which claims are disputed by IEPA, and nothing herein contained shall be construed to constitute admissions by IEPA bearing upon any facts, theories or legal positions whatsoever, and shall not be deemed to waive any rights asserted by IEPA, to enter Van Tran's property, to propose, implement or require additional activities on or related to the Van Tran property, or to assert any claim, under statutes, regulations or otherwise, in law or in equity, for recovery of its costs, expenses or expenditures relative to such property.

(4) The parties hereto agree that nothing herein contained shall be deemed to dispose, finally, of any of the ultimate issues of any the litigations referenced hereinabove, and that nothing herein suggests, states or is intended to imply that this document disposes of the issues placed before the court by the initial pleadings in said actions.

(5) Neither the length of time required for completion of this plan, the length of time required for the parties to engage in multiple meetings or length of time agreed to for the completion of the matters set forth in this CONSENT PLAN shall constitute an admission, agreement or stipulation of any party that the timing of performance of any matter sought by them in any pleading or prayer herein, is or is not critical, vital and of the essence.

(6) Nothing herein shall be construed to mean that either party agrees, admits or stipulates that it possesses an adequate remedy at law in the matters at issue between the parties hereto.

(7) Nothing herein shall be construed to prohibit either party from seeking relief against the other party by warrant, writ or other emergency process where authorized and provided by law.

(8) All actions required to be taken pursuant to this Consent Plan shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations.

**B. ACCESS TO PREMISES:**

(1) Whenever by these presents, IEPA, or its designee, is specifically authorized to enter the premises of Van Tran for any purpose, such authority shall constitute a bare license only, and nothing herein contained shall be deemed to constitute or authorize the conveyance of any property interest or leasehold, legal or equitable, in or to the said property to persons whose entry is authorized hereby. Any license granted hereunder, or pursuant to the terms hereof, shall be exercised in strict accordance with the terms of this agreement or any additional written authorization, shall be exercised only during regular business hours exclusive of

weekends and holidays, except for other reasonable times in addition to regular business hours as may be hereafter authorized in writing by Van Tran and by Baker, and all activities carried out upon the premises shall be limited to those reasonably necessary to conduct the activities herein authorized. No photographs shall be taken, and no interviews of Van Tran employees shall be conducted on the premises without express written authorization signed by Van Tran's Plant Manager.

(2) The agreement of the parties in this CONSENT PLAN generally and in paragraph (1) above, constitutes no agreement whatever between the parties hereto as to the authority of IEPA to enter upon the premises of Van Tran for any purpose other than the carrying out of the undertakings set forth herein. The parties recognize that they continue in disagreement on that issue and each reserves its right to pursue respective petitions, writs, claims, theories, defenses and actions as they deem appropriate for purposes outside the scope of this CONSENT PLAN.

(3) The right of entry granted hereunder shall be limited to current employees of IEPA and Envirodyne Engineers of St. Louis, Mo., who shall exhibit proper identification upon request of any employee of Van Tran. Any person authorized to enter the premises shall upon entry report to the Plant Manager, or his designee, and shall enter his name, affiliation, and other information as shall reasonably be required in a log to be maintained for such purpose. All persons gaining entry to the premises hereunder shall comply with all published rules governing conduct of plant employees or visitors.

(4) The number of persons present upon Van Tran's premises by virtue of the license herein granted shall not exceed five (5) in number at any one time, unless a greater number is authorized in writing by Van Tran's Plant Manager. Said number of persons shall exclude any persons, however employed, summoned, brought or invited to the premises by Van Tran or its designee.

C. AGREEMENT NOT SEVERABLE:

It is expressly understood and agreed that the performance by either party of each and every provision and obligation of this Agreement is conditioned upon the due performance of all provisions, conditions and obligations to be performed by the opposite party. In the event that any provision of this Agreement shall be invalidated or shall be or become impossible to perform, then the entire Agreement shall be and become null, void and held for naught.

**ARTICLE II - TEST PROCEDURES**

A. MAPPING AND SURVEYS:

Van Tran shall, at its sole cost and expenses, cause to be produced a site map, utilizing the methods and parameters and containing the features set forth in Section III A ("Mapping") of the Revised Recommendations Report of Environdyne Engineers, a true copy of which is attached hereto as Exhibit A and incorporated herein by reference, and hereinafter referred to as the "EEI Report," and a preliminary water-level contour map as referred to in Section III B(2) of the EEI Report.

B. GROUNDWATER FLOW DETERMINATION:

Van Tran, through its consultants Baker Engineers of Merrillville, Indiana ("Baker") and such subcontractors or agents



as may be retained by Baker or Van Tran in their sole discretion, shall prepare and submit to IEPA a report specifying its conclusion as to the compass direction of flow of groundwaters underlying Van Tran's property and the depth from the surface of the highest point of such groundwaters. Such conclusion shall be reached upon consideration of the site map referred to above, survey of existing monitoring wells and measurement of water levels in same in accordance with Section III B of the EEI Report, such information as may be obtained by IEPA from the Illinois State Geological Survey and local well drillers and submitted to Van Tran, and such other data or information as may be considered by Van Tran and Baker to be relevant. The report shall specify in detail the grounds for the conclusion reached.

*Shouldn't  
Van Tran  
have to  
gather info?*

IEPA shall coordinate with the Illinois State Geological Survey and local well drillers to obtain all available information on local stratigraphy and aquifer characteristics, and shall submit to Van Tran, in writing, a report listing all information so obtained which shall be considered by Van Tran in reaching a conclusion as to groundwater flow. All other costs and expenses of preparing and submitting the report on groundwater flow herein contemplated shall be borne by Van Tran.

The report contemplated hereby shall be submitted to IEPA by delivering same to James Janssen, Manager, Immediate Removal Unit, RPMS/DLPC, at 2200 Churchill Road, Springfield, Illinois 62706. Within fifteen (15) days following IEPA's receipt of such report, IEPA shall deliver to Van Tran's counsel and its Plant Manager its written objections to such report, if any, specifying in detail all

grounds for its objection to the conclusion set forth in Van Tran's report. In the event such written objections are not received by Van Tran within the period so specified, Van Tran shall utilize the conclusion set forth in its report for the purposes hereinafter set forth. In the event IEPA objects to Van Tran's report as herein provided, the parties shall endeavor to settle their differences, and if unable to do so shall submit their controversy for determination by the Court, and no other activities contemplated by this agreement shall be conducted after objection is submitted until resolution by the parties or by order of the Court.

IEPA or its designee may enter Van Tran's premises for the purposes of observing the topography of the land surface and/or observing survey of existing wells and determination of water levels within existing wells.

#### C. WELL PLACEMENT

Based upon the conclusion of the compass direction of flow of groundwaters as determined by Van Tran's report, or by agreement of the parties or order of the Court as hereinabove set out, Van Tran shall designate four (4) monitoring well sites as follows: One site (Site A) shall be placed at or near the point upon Van Tran's property (in the area where groundwater exits the property) at which Van Tran's property line intersects a line parallel to the compass direction of groundwater flow which divides Van Tran's property into two segments of equal size. A second site (Site B) shall be placed at a point <sup>175 to</sup>~~300~~ feet from Site A which is the point at such distance along Van Tran's property line nearest to 90° from the line of the compass direction of groundwater flow. A third site (Site C) shall be placed

a point 175<sup>to</sup>  
300 feet from Site A along Van Tran's property line approximately 180° from Site B. A fourth site (Site D) shall be placed on or near the line of the direction of groundwater flow dividing Van Tran's property in two equal segments, at a point not upon Van Tran's property which is not less than 50 feet from Van Tran's property line at the place where groundwater enters the property. Each party shall, thereafter, at its own cost and expense, make all reasonable and lawful efforts to obtain authority or permission of the owner of the property at Site D for the location of a monitoring well at such site. In the event such authority or permission cannot be obtained despite the reasonable efforts of the parties, Site D shall then be located at or near the point where groundwaters enter Van Tran's property along the line of the direction of groundwater flow which divides Van Tran's property in two equal segments.

D. WELL INSTALLATION:

Van Tran shall, at its sole cost and expense, install monitoring wells at Sites A, B, C, and D in accordance with the requirements and parameters set forth in Section III B(2)(b) ("Well Installation") of the EEI Report.

IEPA or its designee may enter Van Tran's property for the purposes of observing well placement in conformity with subsection C of this Article, boring of monitoring wells, sampling, sample preservation and packaging, collection and transport of samples, and well construction.

**E. WELL SCREENING:**

Van Tran shall determine well screening depths, intervals and lengths in the monitoring wells at Sites A, B, C and D based upon information obtained as a result of the activities set forth in Sections A, B, C and D of this Article, subject to the consent of IEPA or its designee which consent shall not unreasonably be withheld.

IEPA or its designee may enter Van Tran's property for the purposes of consultations regarding the determining of well screening depths, intervals and lengths, and observing the placement of such screening in accordance with the determination made hereunder.

**F. WELL DEVELOPMENT:**

Van Tran shall, at its sole cost and expense, complete the development of the monitoring wells at Sites A, B, C and D in accordance with the requirements and parameters set forth in Section III B(2)(d) ("Well Development") of the EEI Report.

IEPA or its designee may enter Van tran's property for the purposes of observing well development in conformity with the requirements of the EEI Report and observing maintenance of logs required thereby, screening placement and condition of well water.

**G. EQUIPMENT DECONTAMINATION**

Van Tran, and its agents and contractors, shall decontaminate equipment utilized in monitoring well boring in accordance with the requirements and parameters set forth in Section III B(2)(e) ("Equipment Decontamination") of the EEI Report.

IEPA or its designee may enter Van Tran's property for the purpose of observing decontamination of equipment as provided hereby.

#### H. AQUIFER TESTING

Van Tran shall, at its sole cost and expense, perform aquifer testing in accordance with the requirements and parameters set forth in Section III B(2)(f) ("Aquifer testing") of the EEI Report.

IEPA or its designee may enter Van Tran's property for the purpose of observing test data interpretation and water level measurements.

#### I. PURGING:

Van Tran shall purge monitoring wells in accordance with the requirements and parameters set forth in Section III B(2)(g) ("Purging") of the EEI Report.

#### J. GROUNDWATER SAMPLE COLLECTION:

Van Tran shall collect a groundwater sample from each monitoring well site in accordance with the requirements and parameters of Section III B(2)(h) ("Groundwater Sample Collection") of the EEI Report. Such samples shall be delivered to IEPA in accordance with the provisions of Article III of this Plan, and IEPA shall submit same to its approved laboratory for analysis in accordance with the EEI Report. The cost of analysis of the groundwater samples herein referred to shall be borne solely by Van Tran.

IEPA or its designee may enter Van Tran's property for the purposes of observing collection of groundwater samples and accepting custody of same.

#### K. CORE SAMPLES:

Van Tran shall obtain core samples from two cores to be drilled within the solvent pit area, the precise locations of which cores shall be designated by IEPA's designee. All costs of drilling and sample collection shall be borne by Van Tran. Drilling and sample

collection shall be performed in accordance with the requirements and parameters set forth in Section III C ("Core Samples") of the EEI Report.

Van Tran shall preserve and keep such number and character of samples from the cores drilled within the solvent pit area, and from the material removed during drilling of monitoring wells hereunder, as IEPA or its designee may reasonably direct. At the time of transfer of custody of such samples to IEPA or its designee, as provided in Article III of this Agreement, Van Tran shall deliver custody of such core samples as IEPA or its designee may direct in writing, and all other samples collected and preserved hereunder may be retained by Van Tran, or same may be disposed in an environmentally safe and proper manner, at Van Tran's option.

IEPA shall determine which of the samples collected and preserved hereunder shall be analyzed pursuant to Article III of this Plan, and shall use its best efforts to designate for analysis only such minimum number of soil samples which shall appear necessary to achieve the purposes of this Plan; PROVIDED, however, that in any event Van Tran shall be responsible to pay for analysis of no more than forty-six (46) of the soil samples collected pursuant to this Plan.

IEPA or its designee may enter Van Tran's property for the purposes of designating core sample locations, observing the collection and maintenance of core samples, and accepting custody of such samples.


#### L. WIPE SAMPLES:

Van Tran shall, at its sole cost and expense, collect five (5) composite wipe samples, and analyze same, in accordance with the

requirements and parameters set forth in Section IIID ("Wipe Samples") of the EEI Report.

IEPA or its designee may enter Van Tran's property for the purpose of observing the sampling and preservation of such samples, and of accepting custody of same.

M. SOIL SAMPLES:

Van Tran shall, at its sole cost and expense, collect three composite soil samples, and analyze same, in accordance with the requirements and parameters set forth in Section III E ("Soil Samples") of the EEI Report. 

IEPA or its designee may enter Van Tran's property for the purpose of observing the sampling and preservation of such samples, and of accepting custody of same.

N. HEALTH AND SAFETY PLAN:

Baker shall as soon as reasonably practicable prepare a health and safety plan for all employees and contractors engaged in the activities herein set forth. Such plan shall be prepared in accordance with the following: USEPA Order 1440.1 - Respiratory Protection; USEPA Order 1440.3 - Health & Safety Requirements for Employees Engaged in Field Activity; USEPA Occupational Health and Safety Manual; IEPA Interim Standard Operating Safety Guide (September, 1982); OSHA Regulations specified in 29 C.F.R. 1910-1926; USEPA Interim Standard Operating Safety Guide; NIOSH/OSHA/USCG/EPA Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities; State Safety and Health statutes; other state and USEPA guidance as appropriate. Said plan shall be submitted in writing to James Janssen, Manager, Immediate Removal Unit, RPMSA/DLPC at

2200 Churchill Road, Springfield, IL 62706. Within fifteen (15) days following IEPA's receipt of such plan, IEPA shall deliver to Van Tran's counsel and its Plant Manager its written objections to such plan, if any, and if such written actions are not received by Van Tran within the period so specified, the plan as proposed by Baker will be implemented. The parties shall agree to settle their differences reasonably regarding any objections by IEPA which are timely received.

### ARTICLE III - ANALYSIS

#### A. ANALYTICAL LABORATORY:

All samples to be analyzed pursuant to this Plan shall be submitted by IEPA to EEI, and IEPA shall be solely responsible for insuring that proper and approved analytical techniques, sample preparation and extraction and quality control procedures are utilized by EEI. Nothing herein contained shall be construed to bind Van Tran to acceptance of the accuracy of analytical results reached by EEI.

#### B. PRESERVATION AND TRANSPORT OF SAMPLES:

Physical custody of all samples to be analyzed hereunder shall be transferred to IEPA or its designee, at the Plant Manager's office at the Van Tran plant, at such times and in such manner as IEPA may reasonably direct. The parties shall execute all documentation regarding such transfer of custody as shall reasonably be required by either party. IEPA shall be solely responsible for the transportation of such samples to EEI, and for the care, custody and preservation of such samples during transport and for documenting chain of custody of same. IEPA will hold harmless Van Tran against



any costs or expenses of ANALYSES resulting to Van Tran in the event samples are lost, contaminated or otherwise rendered useless following transfer of custody of same to IEPA and are analyzed before said contamination or useless state is detected.

**C. SAMPLE SPLITTING:**

Van Tran may retain a split sample of any soil, water or wipe sample to be analyzed pursuant hereto and the retained portion of such split samples shall remain the property of Van Tran and may be used by it for any purpose.

**D. TESTING PARAMETERS:**

The samples to be analyzed under this Plan shall be analyzed for the chemical analytes referred to in Section III F ("Chemical Analytes") of the EEI Report.

**ARTICLE IV - RI/FS REQUIREMENTS**

**A. SATISFACTION OF TASK REQUIREMENTS:**

In consideration of the mutual agreements herein set forth, the parties stipulate and agree that upon execution of this instrument, subject to the provisions of this Article and to the extent hereafter set forth, they deem to be satisfied the following conditions and requirements set forth in a certain Statement of Work for a Remedial Investigation/Feasibility Study at Van Tran Electric Corp., Vandalia, Illinois, dated July 23, 1985 (hereinafter "RI/FS"):

(1) Task 1, relating to meetings, data gathering, nature and extent of problem, history of response action, site map, surrounding property map and site office, shall be deemed satisfied;

(2) Task 2, subpart B, relating to health and safety plan, shall be deemed satisfied and subpart A, relating to sampling plan shall be deemed satisfied to the extent of field activities conducted by Van Tran or its designee hereunder;

(3) Task 3, subparts B and C(1), relating to geophysical and hydrogeologic investigation (groundwater flow), shall be deemed satisfied;

(4) Task 3, subpart C(2), relating to groundwater study methodology and Task 3, subpart C(3), relating to groundwater monitoring wells, shall be deemed satisfied to the extent that soil borings or wells are completed in accordance with the provisions of this Plan. Nothing herein contained constitutes a waiver of this subpart with respect to borings or wells which may be proposed in the future;

(5) Task 8, relating to Quality Assurance/Quality Control, shall be deemed satisfied as to each sample collected and analyzed pursuant to this Plan;

#### B. OFF-SITE SAMPLING:

Nothing herein shall be construed to agree that Van Tran is or is not responsible pursuant to Task 3, subpart E, to propose or conduct sampling at any location not on its property (excepting the monitoring well site referred to in Article II, section C of this Agreement). Each party reserves its respective rights of future action as set forth elsewhere herein.

#### C. REINSTATEMENT OF RI/FS:

In the event Van Tran fails to timely perform any of its obligations to be performed hereunder, unless such failure is substantially caused by Act of God, or caused in whole or in part by any act, fault, negligence, omission or misfeasance of IEPA or the State of Illinois, its agents, consultants, contractors, departments or employees, IEPA may upon written notice to Van Tran immediately reinstitute any portions of the RI/FS deemed satisfied hereby, subject to Van Tran's defenses and legal challenges thereto.

#### ARTICLE V - MISCELLANEOUS

##### A. MUTUAL AID AND COOPERATION:

The parties intend that each shall provide to the other all assistance and cooperation which is reasonable and feasible to accomplish the purposes of this agreement. In the event of any dispute as to the interpretation of this plan or the necessity or feasibility of any activities contemplated hereby, the parties shall confer and shall made all reasonable efforts to reach a mutually satisfactory agreement consistent with the purposes and limitations of this Plan.

##### B. SHARING OF INFORMATION:

Upon its receipt of test results of any samples collected hereunder, each party shall immediately notify the opposite party, in writing, setting forth the results received.

##### C. PRESS RELATIONS:

The parties acknowledge that their respective counsel are governed by canons of ethics in their states of licensure and the applicable Supreme Court Rules of the State of Illinois. The parties further recognize that there may exist a public and public safety

interest in the subject litigation and, more particularly, the investigation of the subject site. As a consequence thereof, abstaining totally from public commentary by these litigants is not desirable. Conversely, the parties recognize that concern and ill will can result from spontaneous contact with the news media. The parties, therefore, agree that public dissemination concerning the subject litigation and the subject site will be through the form of prepared press releases with a copy timely provided the other party. Further, the parties may agree from time to time upon a two-party presentation to a given medium or journalist. Nothing herein shall be construed to prevent either party from discussing general concepts of pollution control, public safety, public safety fund recovery, law enforcement, pollution engineering or proprietary rights, as desired, without specific reference to the Van Tran site. The parties further recognize that certain Illinois statutes regarding open meetings and Freedom of Information may require dissemination of information about this site to interested citizens upon appropriate request, and IEPA will make best efforts to notify Van Tran of any request for documents pertaining to Van Tran facility including identity of requesting party.

**D. TERM:**

This Agreement shall remain in effect until July 31, 1987, unless earlier terminated in the manner hereinafter set forth.

**E. DEFAULT AND TERMINATION:**

In the event that either party fails to perform any provision of this agreement, the opposite party shall notify the defaulting party, in writing, setting forth the acts alleged to constitute a

default, and the defaulting party shall thereafter cure the claimed default within thirty (30) days after receipt of notice. In the event the defaulting party fails to cure the claimed default within such thirty (30) days, the opposite party may, at its election, consider the agreement to remain in effect and petition the Court to require performance of the disputed provision or provisions, subject to such defenses as may be presented to the Court, or such party may by written notice received by the defaulting party declare the Agreement terminated; provided, however, that no termination declared by a party hereto shall become final unless and until ordered by the Court.

**F. REMOVAL OF SOLVENT PIT MATERIALS:**

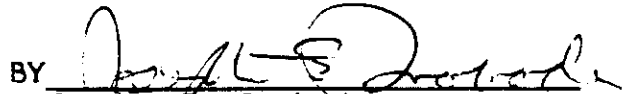
IEPA recognizes that Van Tran is attempting to obtain necessary governmental approvals for the immediate removal of materials confined in and below the solvent pit area in its property, and desires to take action to remove same as soon as possible. Upon receipt of test results upon the core samples within the pit area as described herein, IEPA shall recommend to Van Tran in writing an initial remedial measure to remove such materials, taking into account the closure and post-closure requirements of 35 Ill. Adm. Code, Part 725, Subpart G, unless such test results show that removal cannot be safely undertaken. Nothing herein shall be taken to prescribe, limit or specify the nature, extent or precise content of said recommendation if any is made.

IN WITNESS WHEREOF, the parties have executed the foregoing instrument, by their authorized representatives, the day and year first above written.

VAN TRAN ELECTRIC CORPORATION

BY   
Steve Parke  
Vice President

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

BY   
Joseph E. Svoboda  
Manager, Enforcement Programs

# ENVIRODYNE ENGINEERS

## RECOMMENDATIONS FOR FURTHER INVESTIGATION VAN TRAN ELECTRIC COMPANY

Illinois Environmental Protection Agency  
2200 Churchill Road  
Springfield, Illinois 62706

Envirodyne Engineers, Inc.  
12161 Lackland Road  
St. Louis, Missouri 63146

January 1987

3059-30000

## TABLE OF CONTENTS

	<u>Page No.</u>
I. PURPOSE AND OBJECTIVES	1
II. OVERVIEW OF INFORMATION AVAILABLE TO DATE	1
A. IEPA Files	1
B. Site Visit	1
C. Request for Additional Information	1
D. Assessment of Baker/TSA's Information	1
III. RECOMMENDATIONS FOR ADDITIONAL INFORMATION	2
A. Mapping	2
B. Groundwater Monitoring Wells	2
1. Existing Wells	2
2. Recommended Well Program	2
a. Well Placement	3
b. Well Installation	3
c. Well Screening	4
d. Well Development	4
e. Equipment Decontamination	6
f. Aquifer Testing	6
g. Purging	6
h. Groundwater Sampling Collection	6
C. Core Samples	7
D. Wipe Samples	7
E. Soil Samples	7
F. Chemical Analytes	8
IV. SUMMARY OF PROPOSED ACTIVITIES	8
ATTACHMENT A: MONITOR WELL INSTALLATION SPECIFICATIONS	10
VAN TRAN PROPOSED PROJECT SCHEDULE	11



## I. PURPOSE AND OBJECTIVES

The purpose of the Van Tran Electric contamination assessment is to establish to what extent the property in question is a source of contamination with potential for release to the surrounding environment. The objectives are to characterize potential contaminant sources and to delineate any pathways of migration to off-site media or receptors.

The assessment activities proposed in this plan are necessary to perform a preliminary contamination assessment on-site. The program may have to be extended into further assessment activities, depending on the results obtained from this proposed investigation.

## II. OVERVIEW OF INFORMATION AVAILABLE TO DATE

### A. IEPA Files

The IEPA files contained sufficient information to establish the existence of environmental contamination, but not enough to define its extent.

### B. Site Visit

With the permission of Van Tran, representatives of IEPA and EEI performed a brief site reconnaissance on May 15, 1986. The reconnaissance consisted solely of a walk-through. No sampling or interviewing of personnel was performed. Noted on the walk-through were general site layout, areas of obvious staining, unvegetated areas, placement of existing wells, and surficial drainage patterns.

### C. Request for Additional Information

On May 28, 1986, a meeting was held at the Illinois Attorney General's office in Springfield, IL. In attendance were representatives of: the Attorney General, Van Tran, IEPA and EEI. Matters discussed and agreed upon are summarized in a letter dated May 30, 1986 from Mark La Rose of the Attorney General's office to Greg Wolk of Tockman and Wolk (Van Tran's attorneys), and Steve Parke, Vice President of Van Tran.

Of particular interest to EEI was information concerning the preliminary assessment Baker/TSA performed at the site as well as information from Van Tran on the sources of fill material used at their pit, an inventory of chemicals used, and a history of site operations.

### D. Assessment of Baker/TSA's Information

The scope of Baker's services at the site were expressly limited to an initial preliminary assessment. The results of this assessment are illustrated on Sketches 1 through 3 in Appendix A of this report.

### III. RECOMMENDATIONS FOR OBTAINING ADDITIONAL INFORMATION

Based on Baker's preliminary investigation, data in the IEPA files, observations from the May on-site walk-through, and the absence of complete data on past operations, we recommend the following site investigation program. (Although this report outlines techniques to be used in this program, all site work will be governed by IEPA-approved work plans, quality assurance plans, and health and safety plans.)

#### A. Mapping

Produce a topographic survey of the site, using aerial photography, mapping horizontal distances of the physical features and facilities to a horizontal datum based on the Illinois State Plane Coordinate System and vertical distances to the National Geodetic Vertical Datum (mean sea level). The survey crew will establish, in the field, the vertical and horizontal controls. This control will be used to accurately locate appurtenances, roads, drainage ditches, culverts, pipes, fences, buildings, etc. The accuracy of the measurements will be within 0.5 feet horizontal and 0.1 feet vertical. The site map will be prepared on a format of 24 by 36 inches for the entire property showing 1-foot contours, with a scale of 1 inch = 100 feet.

The four existing wells will be shown on the site map. Additionally, a tabulated list will be prepared showing the coordinates to the closest foot, natural ground elevation to the nearest one-tenth foot, and the top elevation of the monitoring well riser pipes to the closest one-hundredth foot. All final drawings will be sealed by an Illinois Registered Land Surveyor.

Any other wells installed as a part of this assessment will be surveyed in a similar manner and included on a finalized site map.

#### B. Groundwater Monitoring Wells

##### 1. Existing Wells

The existing set of wells was not designed for the purposes of groundwater monitoring and is not adequate for that purpose. Once these wells have been surveyed, however, they will prove valuable in obtaining initial water level and flow direction information needed to provide guidance for the placement and installation of an adequate monitoring system.

##### 2. Recommended Well Program

We recommend the following program to assess groundwater contamination at the site:

- Coordinate with the Illinois State Geological Survey and local well drillers to obtain all available information on local stratigraphy and aquifer characteristics.
- Survey the existing wells as described
- Determine water levels in these wells to the nearest 0.05 foot from the top of the surveyed casing.

- Prepare a preliminary water-level contour map based on the measurements.
- Based on these water-level contours, the information above, and surficial drainage patterns (the most likely contaminant transport corridors), install a groundwater monitoring system consisting of a series of stainless steel wells.

To serve as a monitoring system, a minimum of four wells will be required; one upgradient from the contaminant sources and three downgradient from them. Due to the site's small size, relatively flat topography, and the probability of groundwater "mounding" at the site, the upgradient well will probably have to be placed off-site to serve as a background well in terms of contamination.

A preliminary idea of placement of these wells is shown in Sketch A.

a. Well Placement - Placement of these wells is contingent upon the groundwater flow direction as determined from the existing wells.

b. Well Installation - Prior to installation of monitoring wells, a single boring will be made to bedrock upgradient of the site (in terms of groundwater flow). During the boring, samples for physical inspection will be taken at each stratum change or at a minimum of every 5 feet. The samples will be described and the borehole logged in the field. Information from this boring will be used as a partial basis for well and screen design and placement. Subsequent to sampling and logging, the borehole will be back-filled and sealed with a bentonite/cement grout to approximately the depth of the setting of downgradient wells. A well will then be placed in this borehole to serve as an upgradient background well (Well "E").

Once the placement and design of the wells has been decided, wells will be drilled using 3-3/4 inch ID hollow stem augers. Soil samples will be collected continuously. Continuous samplers will be opened immediately for the geologist's inspection and sample collection. Samples for physical analyses will be taken at each stratum change or at a minimum of every 5 feet in the upgradient boring and from the water-bearing stratum for the other 4 wells. Physical analyses will include horizontal permeability and grain-size analysis. Samples for chemical analyses will be obtained each 5-foot interval or stratum change at wells A, B and the background well. Samples at wells C and D will be obtained at 1-foot intervals to groundwater. Analytes are listed in Section F.

All casing, couplings and screens will be of 316 stainless steel, with a 2-inch inside diameter. Screens will be in 5 foot lengths and shall be slotted, wire-wound with a slot size of 0.01 inch.

Development of the wells shall be performed after the final finishing details are completed on the wells. These details include the final grouting to the surface and installation of lockable protective casing and cap. Development shall be performed by the drill crew, utilizing the rig to evacuate the appropriate amount of water from each well using air-lift techniques.

Once the borehole has been drilled to the desired depth and diameter, the installation of the monitor well will begin within 12 consecutive hours of boring completion. Once begun, monitor well installation will not be interrupted unless an unscheduled delay occurs, e.g., personal injury.

The monitor well string will be emplaced within the auger or open, mudded hole and an approved sand pack backfill will be added. Synchronized addition of the sand pack and removal of the auger string will take place in small increments (approximately 1-foot units). The sand pack will be terminated 1-foot above the top of the monitor well screen. Once the sand pack is in place, a bentonite pellet seal will be added to a minimum thickness of 2 feet. The thicknesses of the sand pack and bentonite seal will be determined through use of a weighted, steel measuring tape. The bentonite pellets will be forced out of the auger into the borehole annulus during emplacement by the use of a 3/4-inch diameter PVC "tamping tool."

After emplacement of the bentonite pellet seal, the borehole annulus will be grouted with an expanding cement mixture with 5 percent bentonite. The grout mixture will be incrementally added through a tremie line as the augers are removed. The borehole annulus will be grouted to a point above the ground surface and then mounded to shed surface water. A steel protector pipe shall be implanted in this grout cap and fitted with a hinged lid and secured with hasp and keyed lock. The grout will be checked in 24 hours for settling, and the boring will be recapped in the same manner.

In the event that drilling fluids are needed, bentonite will be the only drilling fluid additive accepted for these types of borings. No organic additives shall be used.

The source(s) of water to be used in any phase of the well construction, including drilling, grouting, sealing, purging, well installation, well development or equipment washing, will be approved prior to its use by the IEPA Project Manager. The water source(s) should be ideally free of survey-related contaminants, verified by pre-testing. It should also come from a deep, upgradient ground water source with convenient access and good pumping capacity.

If it is ever necessary to utilize water during drilling, accurate records and measurements of used and lost fluids will be maintained. A minimum of five times the lost fluid will be purged from the well during development.

c. Well Screening - Screening depths, intervals and lengths will be determined based on information obtained from the Illinois State Geological Survey and local well drillers, flow direction determinations obtained from ground-water level measurements, and logging information obtained during the boring to bedrock described above.

d. Well Development - The development of monitor wells will be performed as soon as possible after completion of the well construction. Adequate time must be allowed for mortar to set and paint (if appropriate) on the protective casing to completely dry. Generally, 48 hours after final finishing details are completed, the wells are ready to be developed.

Wherever possible, the preferred method for development consists of pumping a minimum of five times the volume of standing water in the borehole, aided by a surge block to remove caked-on sediments from the boring walls and screen openings. A bottom-filling/discharging bailer is also used to help remove sediments from the well after surging. Normally, a stainless-steel submersible pump capable of pumping to 30 gpm is used to purge the wells.

In the case of 2-inch wells, most pumps available do not pump at high enough rates to facilitate development. In these cases, development will be carried out with a bailer and surge block only. The development shall continue in this manner until the following conditions are met:

- 1) The well water is clear to the unaided eye.
- 2) Sediment thickness at the bottom of the well is less than 5 percent of screen length.
- 3) Five times the standing water volume in the well and the saturated bore-hole annulus is removed.
- 4) Five times the amount of added fluid/water used during drilling is removed.

The development of each well should be completed at least 14 days prior to the first sample collection to allow all aquifer conditions to return to a pre-drilling/development state. A log will be kept on each well detailing the development procedures and will include the following:

- 1) Well designation
- 2) Date(s) of well installation
- 3) Date(s) and time of well development
- 4) Static water level from top of well casing before and 24 consecutive hours after development
- 5) Quantity of mud/water lost during drilling and/or fluid purging
- 6) Quantity of fluid in well prior to development; either standing in well and/or contained in saturated annulus (assume 30 percent porosity)
- 7) Any field water quality measurements made during purging (i.e., pH, conductivity, temperature, etc.)
- 8) Depth from top of well casing to bottom of well (from diagram)
- 9) Screen length (from diagram)
- 10) Depth from top of well casing to top of sediment inside well, before and after development
- 11) Physical character of removed water, to include changes during development in clarity, color, particulates and odor
- 12) Type and size/capacity of pump and/or bailer used
- 13) Description of surge technique, if used
- 14) Height of well casing above ground surface
- 15) Quantity of fluid/water removed and time for removal (present both incremental and total values)

e. Equipment Decontamination - All equipment (augers, split spoons, samplers, drill rods, etc.) which comes in contact with the borehole will be thoroughly stream cleaned and solvent rinsed between borings. Water used during the installation and decontamination phases of this task will be from a state-approved source and free from residual chlorine.

The rinsing sequence will be as follows: gross removal of cuttings from tools into drums, steam cleaning of tools over a portable steel pond, rinsing with methanol, and a final steam cleaning with the approved water. All water used in the rinsing and steam cleaning will be contained and stored on-site in a designated area in sealed DOT 17H/55-gallon drums.

All cuttings will be contained in the drums and stored on-site in the designated area.

A site for temporary storage of cuttings and liquids will be constructed in a designated area approved by the IEPA Project Manager.

f. Aquifer Testing - Aquifer testing will be performed as part of the groundwater sampling phase of the investigation. The testing program will consist of single well slug/baildown tests. Test data will be interpreted with the method described by Cooper et al. (Water Resources Research, Vol. 3, No. 1, 263-269, 1967) to determine transmissivity, hydraulic conductivity/permeability, and if the aquifer is confined or semi-confined, the storage coefficient.

To supplement this data, water level measurements will be taken bimonthly, for the duration of the project, on all monitoring wells to detect seasonal fluctuation.

g. Purging - Prior to sampling each well, five times its standing volume of water should be removed by pumping or bailing. This is done in addition to well development and is necessary prior to each sampling episode.

h. Groundwater Sample Collection - Samples from the monitoring wells will be collected one time during the site investigation. Sampling procedures will commence no sooner than two weeks after wells have been developed. This will allow for the aquifer characteristics to return to pre-drilling conditions. Sample collection will begin, however, as soon as possible following this two-week waiting period.

The wells will be measured to determine water level prior to sampling. Bailers will be used to purge and sample the wells.

All bailers will be thoroughly rinsed in deionized water between sampling of each well. A separate dedicated polypropylene line will be used as a retrieving line for each well to be sampled. This will reduce chances for cross contamination. The groundwater samples will be analyzed for volatile organics, base/neutral/acids, metals and PCBs as presented in Section F. The need for additional groundwater sampling events will be determined based on the results of this initial sampling.

### C. Core Samples

While the drill rig is on-site for well installation, two cores extending to the groundwater level will be obtained from the pit.

We propose that the following logic dictate sampling intervals in the pit borings:

- 1) Sample at discrete 1-foot intervals for each of the top 1 foot and for the section of the boring from 8 feet to groundwater.
- 2) Sample the sections from 2 to 8 feet in 3-foot composites. Analyze the top 1-foot interval for PCBs and metals as described in Section F. Analyze all other samples for these parameters plus volatile organics.
- 3) During the borings, obtain field readings of volatile organics from each 1-foot interval with a portable HNU. In the event that any discrete 1-foot interval in the boring section from 2 to 8 feet indicates an HNU reading of greater than 25 ppm and the adjacent intervals do not, this interval should be analyzed for volatile organics and not be composited into the 3-foot sample composite proposed for this section of the boring.

It is anticipated that surface and subsurface samples from the areas of Sites 11 and 12 (from the Baker/TSA study) will be obtained during installation of Wells C and D. If these wells are not sited in these areas, additional corings as specified for the pit area will be required at these sites.

### D. Wipe Samples

The widespread surficial PCB contamination on-site indicates multiple sources and recent or current contaminant transport. Among the potential sources are several locations on the concrete pad. EEI recommends sampling these areas for PCBs by taking composite wipe samples (2 to 3 100 cm<sup>2</sup> areas sampled and composited per site). Five sites (shown in Sketch B of Appendix B) are recommended for sampling:

- 1) Heavily stained concrete pad adjacent to pit
- 2) Stained metal in staging area on concrete pad
- 3) Concrete north of staging area (direction of drainage)
- 4) Concrete east of staging area (heavily stained)
- 5) Stained concrete around tanks staged on pad

### E. Soil Samples

The soil sampling and analysis performed in the Baker study establishes the presence of contaminants in site drainageways. Several additional areas are, however, potential contaminant sources and are recommended for sampling and analysis for the parameters listed in Section F.

- 1) A composite of no more than four discrete surface samples from the graveled parking area to the east of Well 4. (This area receives sheet flow from site surface drainage.)
- 2) A similar composite from the northeast section of the site (surface drainage from around the "side building").
- 3) A similar composite from the low-lying, largely unvegetated area to the far west of the concrete pad.

The top 1-foot interval should be sampled at the areas specified. Soil probe, bucket auger, or Shelby tube methodology for sampling are all adequate. Decontamination procedures specified for wells should be followed.

As stated in previous sections, soil samples in the two southern site drainageways at their exits from the site (Baker/TSA study Sites 11 and 12) will be obtained during either well installation or core sampling.

#### F. Chemical Analytes

IEPA files on the site indicate the use of a wide variety of materials. Based on this information, the following chemical analytes are recommended for groundwater samples, core samples and soil samples:

- 1) Volatile Organic Compounds by EPA Method 624 with library search
- 2) Base/Neutral/Acids by EPA Method 625 with library search
- 3) Metals as specified in IEPA Contract Laboratory Program
- 4) PCBs

Detection levels and QA/QC procedures for all analytes will be those specified under the IEPA Contract Laboratory Program. Wipe samples need only be analyzed for PCBs.

#### IV. SUMMARY OF PROPOSED ACTIVITIES

- 1) Installation and sampling of four monitoring wells
- 2) Installation, sampling, logging and closure of one boring to bedrock
- 3) Obtaining and physical analysis of subsurface soil samples
- 4) Obtaining and chemical analysis of composite samples of surface soils, composite wipe samples, and subsurface soil samples obtained from wells and borings
- 5) Data interpretation and reporting



Estimated numbers of samples and corresponding analytical parameters are:

<u>Sample Type</u>	<u>Number of Samples by Parameter</u>			
	<u>Physical Analyses</u>	<u>VOAs</u>	<u>Metals</u>	<u>PCBs</u>
Borings-Well A	1	5	5	5
Borings-Well B	1	5	5	5
Borings-Well C	1	13	13	13
Borings-Well D (Background Well)	5	5	5	5
Wipe Samples	0	0	0	5
Borings-Pit	0	8	8	8
Surface Soils	0	0	3	3

## ATTACHMENT A

### MONITOR WELL INSTALLATION

#### SPECIFICATIONS

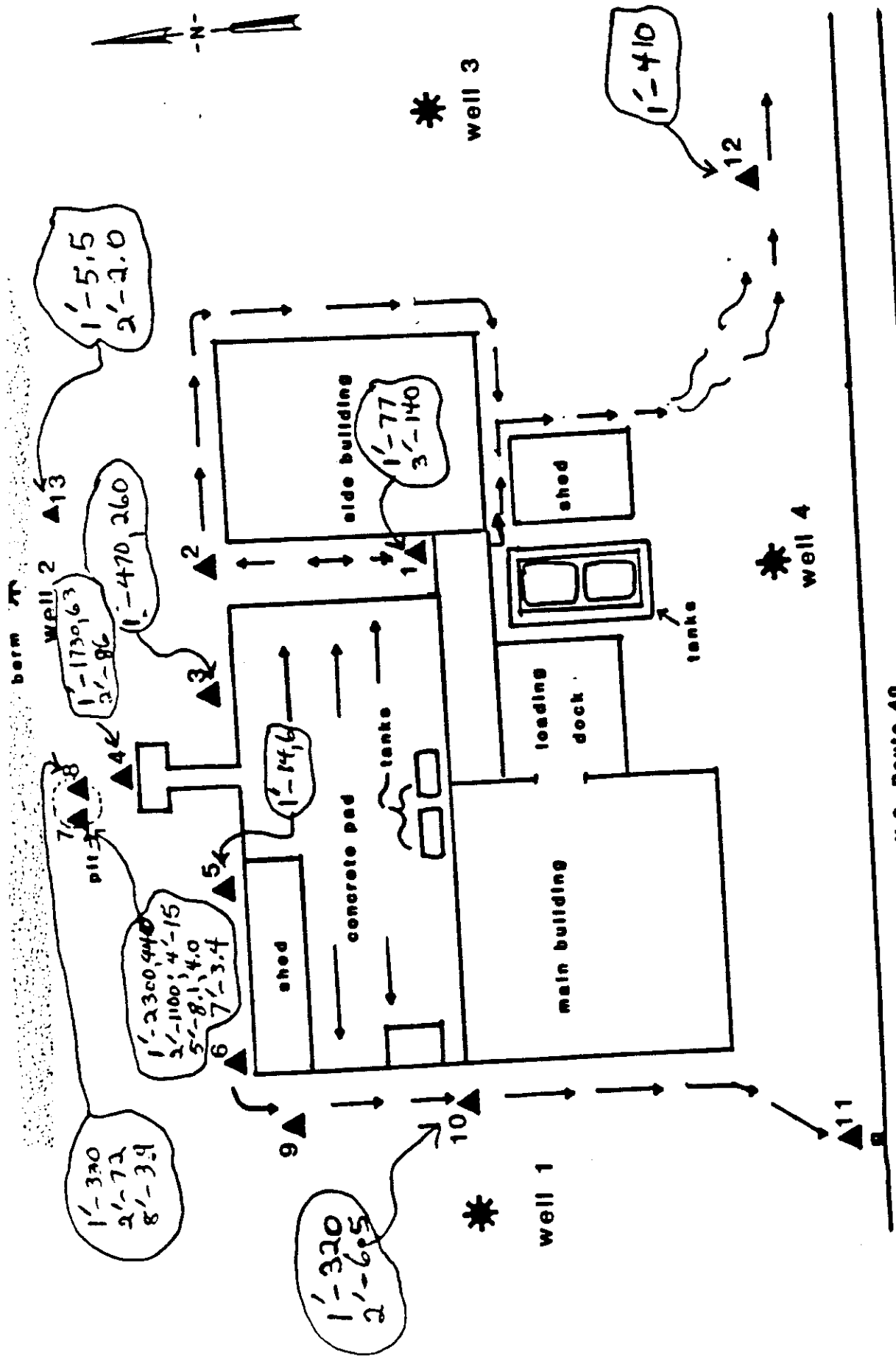
- 1) Wells to be constructed using 3-3/4 inch IDHSA in unconsolidated materials to a maximum estimated depth of 30 feet
- 2) Continuous samplers will be utilized to obtain samples for the entire length of the wells; Total Continuous Core Sampling: 30 x 4 = 120 feet
- 3) Well construction materials and specs:
  - a) Installation of casing through HSA, if necessary
  - b) 2 inch ID stainless steel threaded casing
  - c) 5 foot stainless steel screens, 0.01 inch slot - precut
  - d) Install protective steel risers with hinged, lockable lids
  - e) Washed silica sand as granular filter
  - f) Bentonite seal above filter
  - g) Portland/grout mix to surface
- 4) Wells will be developed by surge-block techniques
- 5) An HNU Model PI 101 photoionization detector instrument or an acceptable substitute will be utilized during these tasks to establish levels of personal protection required. If volatile emissions are detected, Level C will be specified. At a minimum, work will be done under Level D protection. Level D protection will consist of:
  - a) Rubberized gloves
  - b) Safety glasses/goggles
  - c) Hard hat
  - d) Steel toed boots
- 6) Cuttings and well development fluids to be contained in DOT 17H/55-gallon drums
- 7) Decon of all tools and equipment between borings by high pressure steam, clean water rinse, methanol rinse, clean water rinse

VAN TRAN ELECTRIC  
PROPOSED PROJECT SCHEDULE

Weeks													
Activity	0	2	4	6	8	10	12	14	16	18	20	22	24
Project Planning													
Background Information													
Mapping													
Well Installation & Development													
Well Sampling													
Core Sampling													
Wipe Sampling													
Soil Sampling													
Chemical & Physical Analysis													
Data Interpretation & Reporting													

APPENDIX A

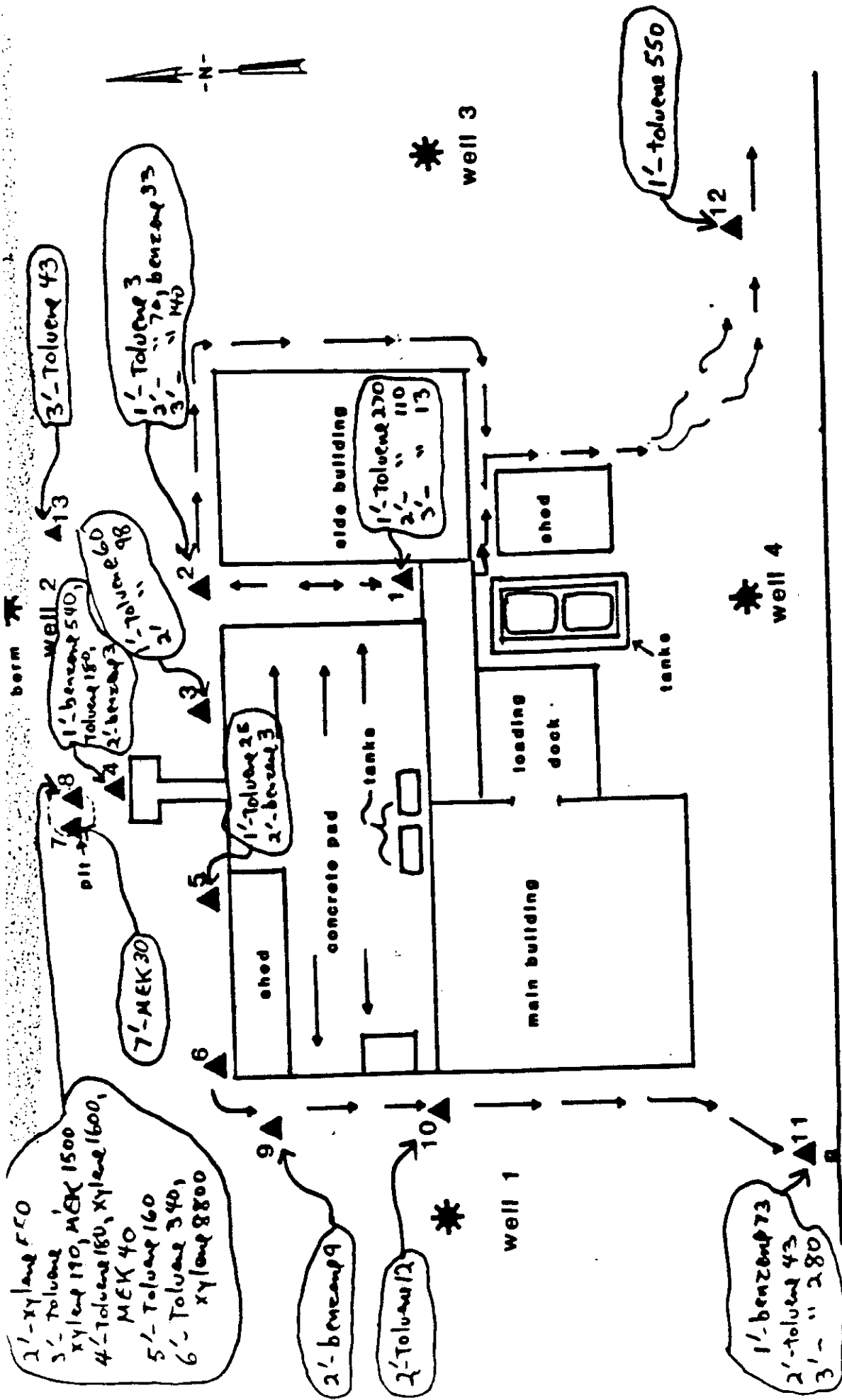
MAJOR CONTAMINATION - BAKER STUDY



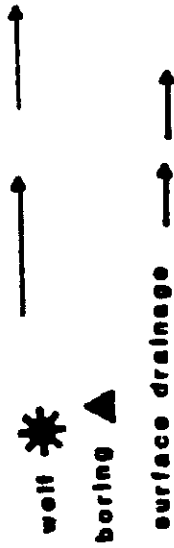
Sketch 1 - PCBs (ppm)  
(Baker study)

Van Tran Electric

not to scale



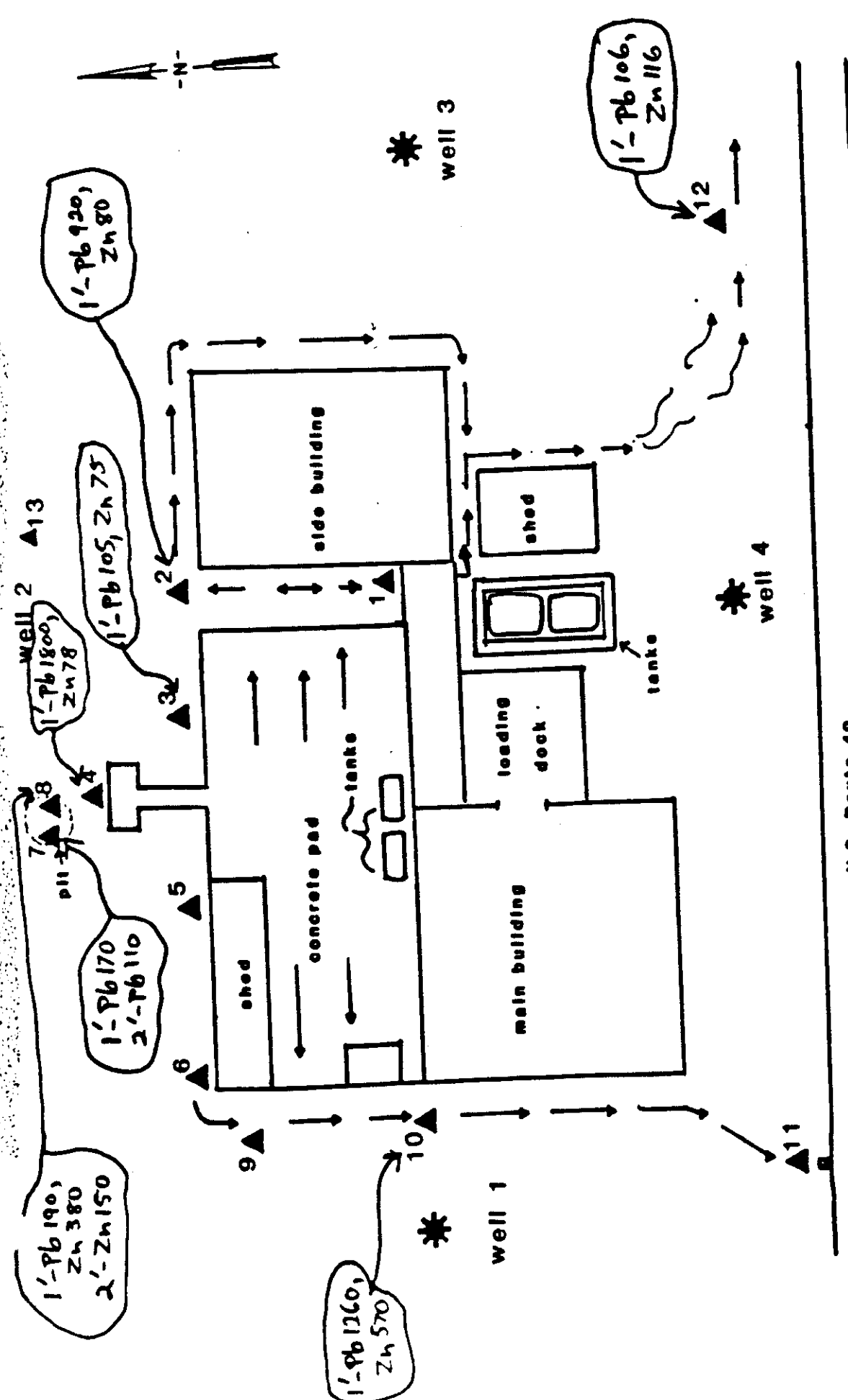
Sketch 2 - VOAs (ppm)  
(Baker study)



not to scale

Van Tran Electric

berm



U.S. Route 40

well \*  
boring ▲  
surface drainage →

Sketch 3 - "High" metals content, ppm  
(Baker study)

Van Tran Electric

not to scale

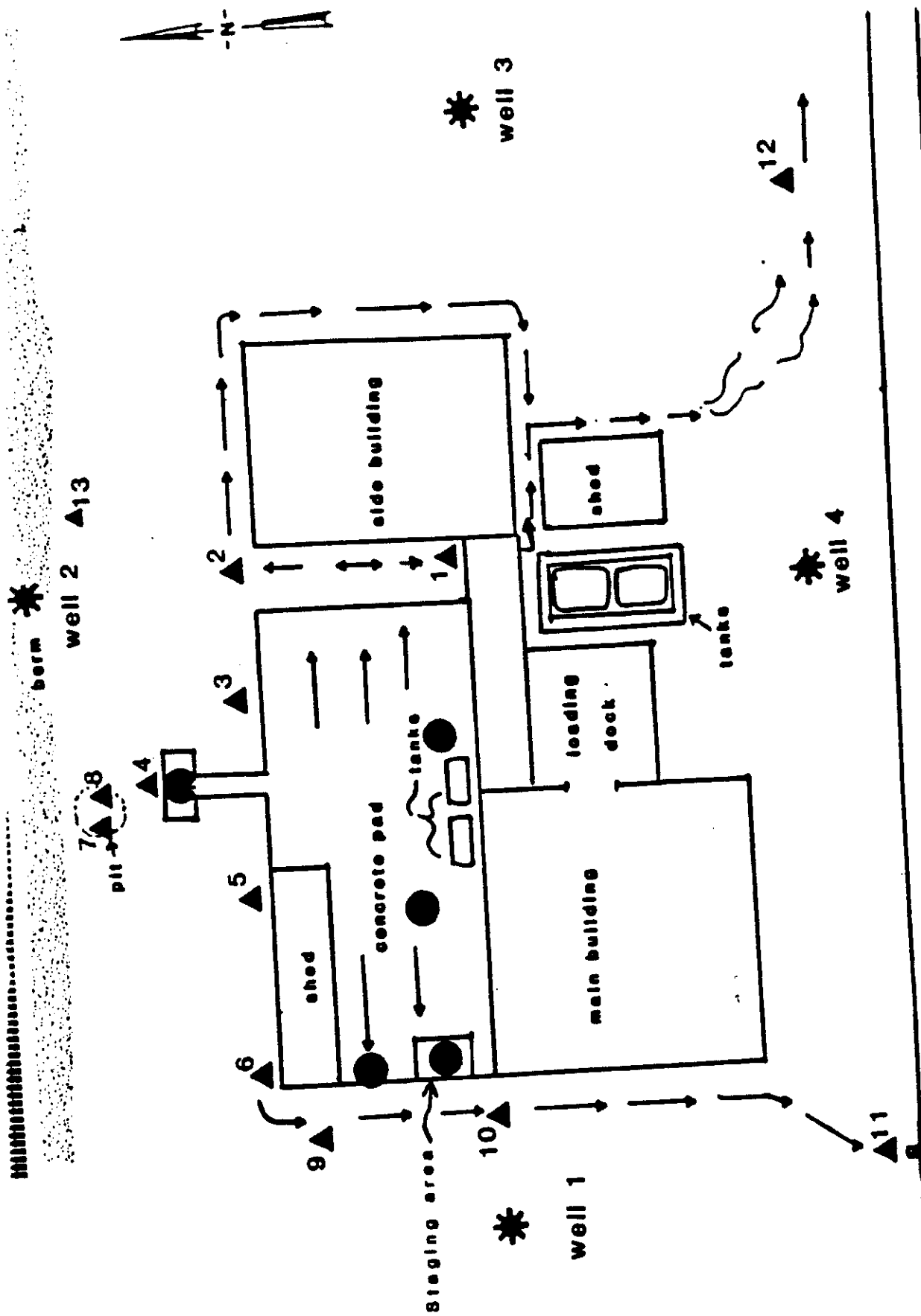
APPENDIX B

TENTATIVE WELL PLACEMENT\*  
SOIL AND WIPE SAMPLE SITES

(\*Subject to determination of groundwater flow.)







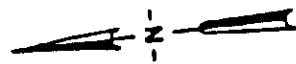
well \*  
 boring ▲  
 surface drainage →

Sketch B - Proposed wipe samples  
 —●—

not to scale

berm

well 2 ▲13



\* well 3

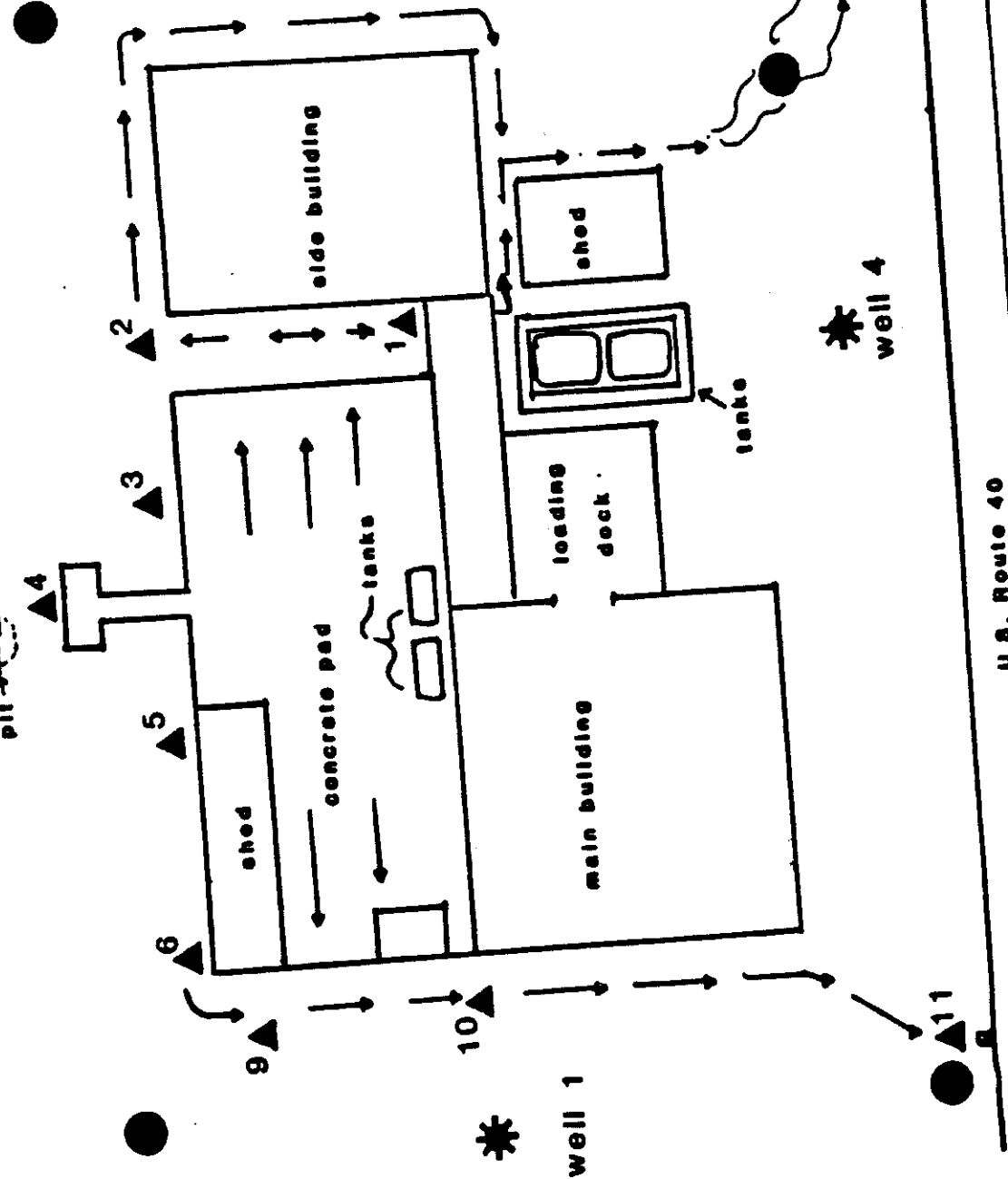
\* well 4

\* well 1

Sketch C - Proposed soil samples

Van Tran Electric

not to scale



U.S. Route 40

1 STATE OF ILLINOIS )  
2 COUNTY OF FAYETTE ) SS.  
3 )

IN THE CIRCUIT COURT  
OF FAYETTE COUNTY

4 VAN TRAN ELECTRIC CORPORATION, )  
5 a corporation, )

6 Plaintiff, )

7 v. )

8 ILLINOIS ENVIRONMENTAL )  
9 PROTECTION AGENCY, )

10 Defendant. )

11 and )

12 PEOPLE OF THE STATE OF ILLINOIS )  
13 and ILLINOIS ENVIRONMENTAL )  
14 PROTECTION AGENCY, )

15 Plaintiffs, )

16 v. )

17 VAN TRAN ELECTRIC CORPORATION, )  
18 a Delaware corporation, )

19 Defendant. )

NO. 85-CH-48

NO. 86-CH-3

20 MOTION FOR PRELIMINARY RELIEF

21 Before: HON. WILLIAM R. TODD

22 On: January 31, 1986

RECEIVED  
JUL 28 1987

U.S. EPA, REGION V  
WASTE MANAGEMENT DIVISION  
HAZARDOUS WASTE ENFORCEMENT BRANCH

23 DIANN M. BRECHBUHL, RPR  
24 Official Court Reporter  
25 P.O. Box 264  
Centralia, Illinois 62801

RECEIVED  
ENFORCEMENT PROGRAM

JUL 27 1986

1 APPEARANCES:

2 GREGORY H. WOLK  
3 Attorney at Law  
4 411 N. Seventh Street  
5 Suite 1415  
6 St. Louis, Missouri,

7 on behalf of Van Tran Electric Corporation,

8 BRUCE L. CARLSON  
9 Staff Attorney  
10 Enforcement Programs  
11 Division of Land Pollution Control  
12 2200 Churchill Road  
13 Springfield, Illinois,

14 and

15 MARK A. LAROSE  
16 Assistant Attorney General  
17 Environmental Control Division  
18 500 South Second Street  
19 Springfield, Illinois,

20 on behalf of the People of the State of  
21 Illinois and Illinois Environmental Protec-  
22 tion Agency.  
23  
24  
25

I N D E X

Direct   Cross   Redirect   Recross

Van Iran witnesses

Ernest Brix	6	38	75	77
-------------	---	----	----	----

IEPA and State of Illinois witnesses

Stephen Colantino	80	90		
-------------------	----	----	--	--

Charles Reeter	92	143		
----------------	----	-----	--	--

Mike Stroh	173/179	185		
Voir dire exam	178			

James F. Dallmeyer	187	199		
--------------------	-----	-----	--	--

James Janssen	201	231		
---------------	-----	-----	--	--

Van Iran Rebuttal

Ernest Brix	245	252		
-------------	-----	-----	--	--

1 THE COURT: Well, all right, what's next?

2 MR. WOLK: Your Honor, Van Tran will put on the  
3 stand Mr. Ernie Brix who is the consultant involved  
4 in this. I did want to raise a brief point regard-  
5 ing the regulations. If we might find, first of  
6 all, find the booklet that contains the regulations  
7 that were effective as of sometime in 1985.

8 MR. LaROSE: Your Honor, that would be the  
9 booklet that I gave to you yesterday morning.

10 THE COURT: Well the one you gave me yesterday  
11 I thought was for my own use.

12 MR. LaROSE: Yes, sir.

13 THE COURT: It hasn't been marked as an exhi-  
14 bit.

15 MR. LaROSE: No, I gave that to you for your  
16 personal use.

17 THE COURT: Yeah.

18 MR. WOLK: Your Honor, we were going to propose  
19 to mark that and stipulate that those are the regu-  
20 lations in effect as of the date that they state and  
21 I would ask that we be allowed to introduce them at  
22 this time.

23 MR. LaROSE: Okay. Is it possible we have-- I  
24 gave that to the judge for his personal use. I have  
25

1 loose leaf copies. Do you want the Contingency Plan  
2 or do you want the whole thing? I can introduce the  
3 whole thing which is just the same thing but not  
4 stapled together.

5 MR. WOLK: Well in order to resolve the diffi-  
6 culty I had yesterday I was just wanting to make a  
7 record of what those regulations were and I think  
8 any manner that's, that does that satisfactorily  
9 would be fine.

10 THE COURT: However you want to do it.

11 MR. LaROSE: The entire regulations?

12 MR. WOLK: I'm proposing to introduce this  
13 booklet here.

14 MR. LaROSE: Like I said, I gave that to the  
15 judge for his use. We'll supply the court with  
16 another copy for introduction into evidence. We'll  
17 take care of that at lunch time, is that all right?

18 MR. WOLK: If I don't need it before then.

19 THE COURT: Well it looks like you ought to  
20 both be able to supply the record with that which  
21 you feel you need out of your own resources without  
22 reference to something that's being given to me but  
23 if it's going to delay these proceedings I don't  
24 claim any ownership to this booklet, you can have  
25



1 it.

2 MR. WOLK: Your Honor, if we can mark it I  
3 believe I can give it right back to you.

4 THE COURT: How would your marking it and giv-  
5 ing it back to me be of any service to me if it was  
6 one I was going to use for my own personal use and  
7 keep?

8 MR. WOLK: Your Honor, I think we'll handle it  
9 later.

10 THE COURT: Well I think it can be handled.

11 MR. WOLK: At this time, Your Honor, Van Tran  
12 would call Mr. Ernest Brix.

13 ~~ERNEST BRIX~~

14 called as a witness on behalf of Van Tran, having  
15 been duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. WOLK:

18 Q. Would you state your name for the record  
19 please.

20 A. My name is Ernest W. Brix, Jr. Brix, B-R-  
21 I-X as in X-ray.

22 Q. And where do you reside?

23 A. I reside at 71 Detroit Road, Porter,  
24 Indiana.

25

1 Q. And by whom are you employed, sir?

2 A. I'm employed by Baker/TSA, Incorporated.

3 Q. And what sort of business is Baker/TSA in?

4 A. Baker/TSA, Inc. is an environmental engi-  
5 neering firm engaged primarily in waste water treat-  
6 ment/plan/design and hazardous waste management and  
7 engineering.

8 Q. And, sir, personally, how long have you  
9 been involved in the business or industry of envi-  
10 ronmental quality work or industrial hygiene?

11 A. Approximately eleven years.

12 Q. And would you please describe for the court  
13 your work background in this area.

14 A. My educational background is that I am a  
15 graduate of Purdue University in mechanical engi-  
16 neering. I attended the University of Minnesota at  
17 Minneapolis, Minnesota, in a graduate program toward  
18 the degree of a master of public health. In that  
19 program I concentrated my efforts or my studies on  
20 industrial hygiene, environmental health and public  
21 health courses with emphasis on engineering courses  
22 related thereto. My work is that I had served in  
23 the engineering department at Bethlehem Steel Cor-  
24 poration in Barnes Harbor, Indiana, plant for  
25

1 approximately two years before attending graduate  
2 school. After my graduate school training I  
3 returned to Bethlehem Steel Corporation as an envi-  
4 ronmental health engineer working primarily in the  
5 area of industrial hygiene engineering. In 1975 I  
6 left Bethlehem Steel Corporation and worked for an  
7 environmental engineering firm in Minneapolis, Min-  
8 nesota, by the title of Industrial Health Engineer-  
9 ing Associates, Inc. In that capacity I was a pro-  
10 ject engineer engaged primarily in industrial  
11 hygiene engineering, local exhaust ventilation  
12 design and air pollution design and the problems  
13 associated with air pollution control equipment.  
14 After a thirteen-month time of service with that  
15 firm I returned to Bethlehem Steel Corporation as  
16 the senior environmental quality engineer in a newly  
17 formed department, the Environmental Control Depart-  
18 ment. I served in that capacity for approximately  
19 six months and was promoted to the Assistant Super-  
20 intendent of Environmental Control for the Barnes  
21 Harbor plant. In the capacity of Assistant Superin-  
22 tendent of Environmental Control I was responsible  
23 for the technical and administrative management of  
24 the department with respect to environmental com-

25

1 pliance, that is both state and federal air, water  
2 and waste disposal, liquid and solid waste disposal  
3 problems. My stay at Bethlehem was approximately  
4 nine years and during those nine years I supervised  
5 about thirty-four engineers and technicians engaged  
6 in environmental control, compliance, monitoring and  
7 engineering design.

8 Q. And during those years of experience have  
9 you as part of your job functions remained abreast  
10 of the various state and federal regulations regard-  
11 ing waste disposal?

12 A. It was a primary responsibility to insure  
13 that both myself and the people who work for me were  
14 familiar with the regulations, yes.

15 Q. Okay. And when was it that you went to  
16 work for Baker/TSA?

17 A. I left Bethlehem in December of 1984 and  
18 joined the staff of Baker/TSA as an engineering  
19 manager. My charge there was to start up an office  
20 in Merrillville, Indiana, to service Baker's exist-  
21 ing clients and to expand that clientele to the mid-  
22 western area.

23 Q. And would you describe for the court what  
24 work duties you've been involved with since you went  
25

1 to Baker/TSA.

2 A. Since being with Baker/TSA my work has  
3 involved Part-B Permit Application. In conjunction  
4 with that work and other work I did site assessments  
5 for various or managed site assessments for various  
6 clients as well as designed closure options for  
7 several hazardous waste management sites.

8 Q. And what is a site assessment?

9 A. The site assessments that we were doing  
10 were done in anticipation of closure. It required  
11 both surface and sub-surface soil borings, some  
12 interpretation of existing groundwater monitoring  
13 data; some procural of new groundwater monitoring  
14 data; studies to determine the direction and rate of  
15 groundwater flow and the actual conceptual and  
16 detail design of closure options for the facilities  
17 that we were studying.

18 Q. And who are some of the clients that you  
19 have done site assessments for?

20 A. The two primary clients I've been working  
21 for are U.S. Steel Corporation and Inland Steel Cor-  
22 poration.

23 Q. Does Baker/TSA, does it, has it had any  
24 involvement with the Illinois Environmental Protec-

25

1 tion Agency?

2 A. To date, no other involvement other than we  
3 had bid on a multi-site contract work on the federal  
4 site of the work here in Illinois. We at first  
5 thought we were unsuccessful in that bid we've since  
6 been told that we are invited to talk to the IEPA  
7 about some multi-site work in Illinois.

8 Q. Now speaking of Baker/TSA in general based  
9 upon your familiarity with its operations, could you  
10 tell us, oh, some of the work that you've been  
11 involved with having to do with PCBs in particular.

12 A. There are two, two, a, jobs involving PCBs  
13 that I am aware of. I have not had direct involve-  
14 ment with either of those two jobs. Prior to my  
15 coming on to Baker there were two other jobs in the  
16 east. My work with Baker to date has not involved  
17 the site assessments for any PCB areas.

18 Q. And Baker in general, what sorts of PCB  
19 involvements have they had?

20 A. The work that they've done on PCBs to date  
21 has been site assessment work and remedial cleanup  
22 action at three or four sites. I'm not sure how  
23 many, but three or four sites.

24 MR. WOLK: Your Honor, at this time I will move  
25

1 that Mr. Brix' testimony be allowed as an expert in  
2 the area of hazardous waste management, regulations,  
3 site assessments and matters in that nature.

4 MR. LaROSE: I have no objection.

5 THE COURT: All right, the motion will be  
6 allowed.

7 MR. WOLK: Mr. Brix, have you personally and  
8 has Baker/TSA been involved with Van Tran Electric  
9 Corporation in any way in the last six months?

10 A. Yes, we have.

11 Q. And describe very briefly what the nature  
12 of your involvement has been with Van Tran.

13 A. We were initially contacted by Van Tran to  
14 look at some documents that had been sent from IEPA  
15 in the nature, the first set of documents we looked  
16 at was a Notice of violations for various provisions  
17 of Illinois regulations, Illinois RCRA regulations.  
18 We did review those documents and then perform a  
19 preliminary one-day site assessment for the company.  
20 At the conclusion of that site assessment we pre-  
21 pared a, a, we, we developed what we thought was a  
22 reasonable approach to taking the next step at Van  
23 Tran. We discussed that approach with yourself, Mr.  
24 Wolk, and performed a very preliminary screening

25

1 assessment.

2 Q. And in connection with your involvement and  
3 your work for Van Tran, did you attend a meeting in  
4 Vandalia involving the Illinois EPA on December 16,  
5 1985?

6 A. Yes.

7 Q. Sir, would you describe what occurred at  
8 that meeting?

9 A. To the best of my recollection at that  
10 meeting you yourself Mr. Wolk opened the meeting by  
11 establishing the time and date and place of the  
12 meeting. After establishing that time, date and  
13 place you made a statement that the meeting was  
14 being held as a I believe the words were scheduled  
15 event as part of the Notice that Van Tran had  
16 received. At that point in time you introduced me  
17 and asked me to give a few brief statements as to  
18 who I was and who Baker/TSA was. I, I introduced  
19 myself and essentially ran down my qualifications  
20 and the nature of Baker/TSA. At that point in time  
21 I asked if there were any questions. Mr. LaRose  
22 indicated to me that he would reserve questions to a  
23 later time and that there was no need for questions  
24 then. He asked me if I had any curriculum vitae or  
25



1 resumes or other descriptive literature concerning  
2 Baker/TSA. I told him that I was not prepared at  
3 that time, I didn't have any with me. He thought  
4 that that was all right. He told me that he would  
5 be looking for that kind of information in the con-  
6 text of the work we were doing eventually. At that  
7 point in time Mr. Wolk, yourself, explained that it  
8 was the intent of Van Tran in that meeting to gather  
9 information from the Agency. I believe it was in  
10 the context of that description of the intent or the  
11 purpose of Van Tran that we, that you had talked  
12 about the major focus of the Agency apparently being  
13 the pit area in which solvents had been placed.  
14 Also you had indicated that it was our intent to  
15 extract more information concerning exactly what was  
16 being required by the RI/FS outline that had been  
17 provided to Van Tran by the Agency. You then intro-  
18 duced the fact that, that, a, we had, we, Baker had  
19 been looking preliminarily at the pit problem.  
20 Toward the end or with the intent being of develop-  
21 ing some sort of remedial action, conceptual reme-  
22 dial action. You requested that I provide a brief  
23 run-down of what we had done in the pit area with  
24 respect to investigation and what might be done in  
25

1 the pit area, what kind of things could be done in  
2 the pit area with respect to remediation. It was at  
3 that point in time that I produced a table, a data  
4 table providing the results of of some soil borings  
5 and analysis work that we had done. I believe I  
6 gave copies to the IEPA at that time.

7 MR. LaROSE: Excuse me, Judge. The narrative  
8 has been okay to this point but I would ask that Mr.  
9 Wolk ask some questions instead of just letting Mr.  
10 Brix speak.

11 THE COURT: Well of course it is narrative but  
12 it's also responsive. If you want to keep a ques-  
13 tion in front of him occasionally it would be help-  
14 ful.

15 MR. WOLK: All right.

16 Mr. Brix, did you explain then the work  
17 that you had done and what you proposed to do to the  
18 IEPA?

19 A. Yes, I did.

20 Q. Okay. And what did you explain to them?

21 A. I explained to them that we had performed  
22 some soil boring in the pit area. That the, that we  
23 had done two borings to a depth of eight feet in the  
24 pit area for the purpose of looking at, estimating,

1 evaluating the vertical extent of any contamination  
2 that might be present in the pit as a result of past  
3 practices. I passed the table out. I reviewed the  
4 data very briefly in the table. It was at that  
5 point in time that several Agency representatives  
6 present asked some questions concerning the location  
7 of the borings. I believe that the primary focus of  
8 their questions was were all the borings done in the  
9 pit proper, were the two borings done in the pit  
10 proper.

11 Q. Did you explain to them how large the pit  
12 was at that time?

13 A. Yes, I did at that point in time and I was  
14 in error at the time I gave them that information.

15 Q. How large was the pit?

16 A. The pit is eight feet in diameter.

17 Q. They asked you a few questions about where  
18 you took the samples. How did you respond to that?

19 A. One of the questions centered on where in  
20 the pit the samples were taken and were they equally  
21 spaced I believe or something of that nature. I  
22 told them that they were taken approximately on  
23 either side of the center line of the pit I believe  
24 is what I said, I'm not sure, and that seemed to be  
25

1 the end of the questions with respect to how the  
2 soil borings were done.

3 Q. Okay. Did you explain to them what you  
4 proposed to do by way of remedial action as respects  
5 the pit?

6 A. I did orally present a, a, a rough concep-  
7 tual outline where I suggested that based on these  
8 data that we would consider excavating the material  
9 in the pit. And to insure that we got the material  
10 or that the material that was in the pit was  
11 removed, we were going to expand the diameter of the  
12 excavation at the top of the pit and perhaps exca-  
13 vate with forty-five degree side slopes or so down  
14 to a depth of seven feet.

15 Q. What's the idea of sloping the sides on an  
16 excavation like that?

17 A. Well two ideas I have in mind: Idea Number  
18 1 is to make sure that we have it or get most of the  
19 contaminated material or all of the contaminated  
20 material, and also because after a closure like that  
21 it is essential that we conduct additional sampling  
22 to insure that decontamination has been achieved and  
23 the forty-five side slope would be considered a safe  
24 slope on which we could work with hand tools to  
25

1 extract the material.

2 A. So according to the proposal you were pre-  
3 senting, you certainly contemplated additional test-  
4 ing once that initial material was removed, is that  
5 right?

6 A. There was never a closure that we perform  
7 nor do the regulations allow you to close a facility  
8 like this by excavation and removal without a demon-  
9 stration of decontamination of the area, so yes, I,  
10 the concept included a post-excavation, detailed-  
11 sampling plan to insure the decontamination.

12 Q. And you explained that to the Agency at  
13 that meeting?

14 A. Yes.

15 Q. Was there any comments made about, oh, the  
16 a the nature of the report that you would give in  
17 there in terms of its acceptability to the Agency?

18 A. I believe that that Mr., in fact Mr. LaRose  
19 did state or ask a question if there had been any  
20 report generated, his words were is this in writing  
21 some place, words to that effect. My response to  
22 that was no, this is what I have with respect to the  
23 pit. I'm not prepared to turn over any report at  
24 that point in time.

25

1 Q. Okay. He was interested in whether what  
2 you had to say, whether he could have it in writing?

3 A. That's correct. That's the way I inter-  
4 preted his question.

5 Q. Did you explain to the Agency your reaction  
6 to the RI/FS proposal that had been given to Van  
7 Tran?

8 A. Well after a discussion of whether or not  
9 we had anything to turn in at that point in time you  
10 had made a statement, Mr. Wolk, to the effect that  
11 we are prepared to develop a closure plan on reason-  
12 ably short notice and turn it in in writing. At  
13 that point in time the discussion turned toward the  
14 nature of the RI/FS request to the best of my recol-  
15 lection.

16 Q. Okay. And in connection with that, did you  
17 explain to them your reactions or impressions of  
18 that request?

19 A. Yes, I did. I, I explained that, that our  
20 initial reaction, that is myself and my colleague,  
21 our initial reaction was that we were a little sur-  
22 prised. I may have used the words taken aback by  
23 the a, the a scope and detail specified in the RI/FS  
24 considering what we knew about the plant operations  
25

1 at that point in time and what we knew about the  
2 site at that point in time.

3 Q. Which was?

4 A. Which was that to the best of our knowledge  
5 at that point in time that the, a, issue had been  
6 the, the placement of solvent on the ground in an  
7 eight-foot diameter pit.

8 Q. Did you give the Agency, make any state-  
9 ments regarding, oh, the, the characteristics of  
10 PCBs as you understood them?

11 A. Yes. I made statements concerning the fact  
12 that, that, a, a based on my experience and the  
13 experience of our company and what was available in  
14 the literature and that was fairly known throughout  
15 our business that PCBs were highly insoluble in  
16 water and were not very mobile in the environment.

17 Q. Okay. Now if you would, tell us what, what  
18 else happened at that meeting as you, strike that,  
19 let me ask you-- Was a portion of this meeting  
20 taped?

21 A. Yes, the portion that I just spoke, that I  
22 just spoke to you about was on tape.

23 Q. And tell us the rest of what you remember  
24 about the portion of the meeting that was taped.

25

1           A. At that point in time there was some dis-  
2 cussion as to Task 1 I believe, Task 1 of the RI/FS  
3 proposal. I'm not sure as to what statements were  
4 made by yourself subsequent to the discussion on  
5 PCBs.

6           Q. Now there come a time that the tape discus-  
7 sion ended?

8           A. That's correct. It ended with the, the,  
9 the taped portion as I recollect ended with a, or a,  
10 a series of questions by me again explaining what my  
11 intent and mission was attending that meeting on  
12 behalf of Van Tran and that was to develop a, a, a,  
13 feel for the level of effort and the scope that the  
14 Agency was looking for in any sort of site assess-  
15 ment and remediation action at Van Tran. Our inter-  
16 est at that point in time was to be able to develop  
17 a cost effective RI/FS for the client.

18           Q. And did they respond to those questions  
19 while the meeting was being taped?

20           A. No, Mr. LaRose had asked for a ten minute  
21 recess and at that point in time the Agency person-  
22 nel occupied the room we were meeting in and then  
23 you and I left and went elsewhere until they were  
24 finished.



1 Q. Okay. And did you come back in the room  
2 then?

3 A. Yes, I did.

4 Q. Okay. Tell us what happened when you got  
5 back in the room.

6 A. When we got back in the room Mr. LaRose  
7 made an opening statement concerning the fact that  
8 the Agency was looking for a positive response to  
9 the Notice that had been issued to Van Tran. That  
10 that response, he expected that response to be of  
11 the nature that Van Tran was agreeing to conduct the  
12 RI/FS.

13 Q. Okay. And what happened after that?

14 A. After that Mr. Carlson, I believe, made  
15 some statements concerning the RI/FS. No, prior to  
16 Mr. Carlson's statements Mr. LaRose, Mr. LaRose  
17 indicated that the RI/FS steps, that is the individ-  
18 ual tasks of the Remedial Investigation/Feasibility  
19 Study, had to all be addressed in any work plan that  
20 was going to be developed at the Van Tran site. He  
21 indicated that, or he stated that the level of  
22 detail required under each task was a matter of the  
23 consultant developing and achieving or obtaining  
24 approval of the Agency as far as whether that level

25

1 of effort was adequate to the task. Mr. Carlson at  
2 that point in time stated that the RI/FS tasks had  
3 to be completed but was less flexible, appeared to  
4 be less flexible with respect to the level of detail  
5 required. What ensued after that was a series of  
6 questions from me using examples of portions of the  
7 RI/FS that might be, conceivably be eliminated or  
8 could conceivably be pared down to develop a more  
9 cost effective approach to it. The only two areas  
10 of discussion along those lines that I recall were,  
11 were a discussion on the necessity for a geophysical  
12 investigation on the site and also a discussion of  
13 the level of detail mapping required to develop a  
14 site map to initiate action.

15 Q. Let me ask you: What was your purpose in  
16 inquiring of the Agency about, oh, what scope  
17 they're going to be requiring there?

18 A. Well as I previously stated, as an engi-  
19 neering consultant to to industrial and governmental  
20 clients, Baker/TSA's interest is in performing the  
21 work in a, in a professionally and correct manner  
22 but in a cost effective manner for the client. And  
23 in, in developing a cost effective manner is the,  
24 our methodology is adjusting the level of effort to  
25

1 what is indicated by the data we have.

2 Q. And were you, were you looking for some  
3 indication that the Agency was willing to negotiate  
4 those points?

5 A. I was, yes, and that was, that was my pur-  
6 pose, one of my purposes in attending.

7 Q. What was the response in that meeting to  
8 the effort to get an idea about negotiability?

9 A. I came away from the meeting with the, or  
10 during the meeting I got the, the clear impression  
11 that there wasn't a lot of room, if not any room,  
12 for negotiation.

13 Q. Okay. Were any statements made by IEPA  
14 representatives regarding the negotiability of the  
15 plan of work in general?

16 A. Mr. Carlson indicated that, that, the the  
17 RI/FS as presented to Van Tran was the State's plan  
18 of action, I'm not quoting him now, but was essen-  
19 tially the State's plan of action and that deviation  
20 from that plan was not appropriate.

21 Q. Okay. And did you make any inquiry, or  
22 strike that. You had been, you were, you'd indi-  
23 cated earlier that statements were made that the  
24 Agency was looking for, for Van Tran to commit to  
25

1 perform this RI/FS, is that right?

2 A. That's correct. That's the way I under-  
3 stood Mr. LaRose's comments.

4 Q. Did you have any discussion with them  
5 regarding what would happen if you did commit to  
6 perform the RI/FS and then if some areas came up  
7 later where questions arose to whether items of work  
8 were necessary?

9 A. Well in, in the, in the course of the dis-  
10 cussion, the Agency personnel indicated that if we  
11 agreed to, or if Van Tran agreed to proceed with the  
12 RI/FS, that is establish or perform Task 1 and then  
13 perform Task 2 with respect to the work plan, that  
14 we would proceed through it. And if at any point  
15 in time the level of effort being proposed by Van  
16 Tran was not acceptable to the Agency, then the  
17 Agency would perform that section of the RI/FS or  
18 that particular task of the RI/FS that they felt was  
19 necessary at Van Tran's expense with the commensu-  
20 rate penalties involved.

21 Q. So even if you did agree to perform the  
22 RI/FS, if there was any dispute anywhere down the  
23 road they would come on and do the work themselves,  
24 is that right?

25

1           A. That's what I understood.

2           Q. Sir, in your professional opinion, how long  
3 would it take to perform a RI/FS such as has been  
4 outlined in here?

5           A. That kind of program on a three-acre site  
6 like that to do a, a, thorough RI/FS in accordance  
7 with that guideline would take us approximately  
8 twelve months to complete.

9           Q. Mr. Brix, during this meeting on December  
10 16th you've discussed the indication that you had  
11 that the Agency was looking for a written commitment  
12 to perform the RI/FS. Were there any statements  
13 made with regard to the consequences if, if a, if  
14 Van Tran did not agree to perform that RI/FS?

15          A. Mr. LaRose addressed that, that subject by  
16 stating that if Van Tran agreed to perform the RI/FS  
17 and, and a responded positively by a January dead-  
18 line, I believe a January 1 deadline, that with  
19 respect to press and public notification no one in  
20 IEPA would say anything other than the company was  
21 performing a voluntary cleanup effort. He also  
22 stated that if the response from Van Tran was not  
23 positive that the public could learn that there was  
24 contamination, PCB contamination on the Van Tran  
25

1 site and who knows where else if I remember his  
2 statement correctly. He also made some mention of  
3 the public park in the area.

4 Q. Now were any statements made with regard to  
5 the consequences of Van Tran's failure to agree to  
6 this plan vis-a-vis the Agency's response?

7 A. During the course, during the course of the  
8 meeting a one of the Agency personnel indicated that  
9 the Agency was prepared to enter the site and per-  
10 form the RI/FS on fairly short notice.

11 Q. And again that was if Van Tran did not  
12 agree?

13 A. In the event that they did not agree to  
14 respond positively that, that is, to perform the  
15 RI/FS in accordance with the outline provided with  
16 the Notice.

17 Q. Now Mr. Brix you had indicated that you,  
18 during the meeting you had given the IEPA some  
19 description of the physical properties of PCBs.  
20 What was your intention in conveying that informa-  
21 tion to them?

22 A. Well the intention in conveying the infor-  
23 mation was to indicate that the PCBs that were pre-  
24 sent on site were not or would not tend to move  
25

1 rapidly and, therefore, perhaps the RI/FS in scope  
2 and in time could be brought into a more cost effective  
3 configuration. That was my intention in mentioning  
4 that.

5 Q. And in terms of experiences that you've had  
6 in this area and your knowledge of the area, tell us  
7 a little bit about what are the physical properties  
8 of PCBs vis-a-vis their ability to move from one  
9 place to another.

10 A. Well with respect to the environmental  
11 transport of PCBs, ~~PCBs have a~~ very low vapor pressure  
12 and are not easily volatilized and do not  
13 really present an air pollution problem. With  
14 respect to water-borne transport of PCBs, PCBs are  
15 highly insoluble, one of the most insoluble  
16 organic compounds, and do not tend to dissolve in  
17 water and thereby move by the surface water route in  
18 water.

19 Q. And given that characteristic, what is the  
20 likelihood that they're going to rapidly move from  
21 one place to another?

22 A. The likelihood of a rapid movement is low,  
23 absent some major emphasis to get it to move.

24 Q. Now you mentioned, as I understand it, the  
25

1 solubility in water and its ability to move along  
2 with surface water. Are there other ways, and I  
3 think you've mentioned the volatility question, are  
4 there other ways that PCBs can move from one place  
5 to another?

6 A. The two major modes of transport of PCBs  
7 are Number 1: in erosive type soil movement that was  
8 PCBs found to soil and moving with that soil and/or  
9 sediment in the case of the underwater environment.  
10 The second mode of transport would be as any fluid  
11 would move if there were a major spill or standing  
12 liquid of PCBs on a sloped area it would move as any  
13 fluid would move from the higher area to the lower  
14 area. But the predominant method of movement of  
15 contaminant or PCBs in soil is with the erosive  
16 movement of that soil as a result of erosion with  
17 rainfall or other runoff.

18 Q. In terms of preventing release by that  
19 method, erosion, is that something that's fairly  
20 readily done in terms of the technical aspects of  
21 it?

22 A. I'm not following the question.

23 Q. What I'm asking is if is it possible read-  
24 ily to protect a site from from an erosion and con-  
25



1 sequential movement of PCBs by that movement?

2 A. There are methods to do so, yes.

3 Q. Now Mr. Brix, are you familiar with the  
4 federal EPA RCRA regulations?

5 A. Yes, I'd say that I have a familiarity with  
6 those regulations.

7 Q. And are you familiar with, oh, a status in  
8 those regulations which are referred to as a small  
9 quantity generator status?

10 A. Yes, I am.

11 Q. Up until or through June of 1985, what was  
12 the federal standard for qualifying as a small quan-  
13 tity generator?

14 A. Well up through the proposal of the small  
15 quantity generator regulations I believe in August  
16 of '85, and including this current period until the  
17 small quantity generator regulations are officially  
18 promulgated, there was exclusion for small quantity  
19 generators of hazardous waste, that is, generators  
20 who generated less than one thousand kilograms of a  
21 hazardous waste provided that it was not an acutely  
22 toxic hazardous waste. They were excluded from cer-  
23 tain provisions of the RCRA regulations. They were  
24 not required to provide the federal hazardous waste

25

1 activity notification and they were not required to  
2 obtain a generator status.

3 Q. And in response to solid waste generation  
4 through that period of time, what were the regs  
5 regarding disposal?

6 A. As a small quantity generator?

7 Q. Yes.

8 A. As a small quantity generator, as I under-  
9 stand the regulations, the waste that was generated,  
10 assuming that it's a hazardous waste, the small  
11 quantity generator of hazardous waste, assuming it's  
12 a hazardous waste, the waste that was generated had  
13 to be disposed of in two locations or one of two  
14 locations. The first location was a secure landfill  
15 that was permitted by the appropriate state to  
16 accept industrial and municipal waste and/or a per-  
17 mitted on-site facility.

18 Q. Now if I were to ask you to assume Mr. Brix  
19 that a party generating wastes, solvent wastes being  
20 MEK, toluene, benzene, generated on an average no  
21 more than three gallons a week, under the federal  
22 regulations as they existed, would they be a small  
23 quantity generator?

24 A. Assuming it was three gallons of a petro-  
25

1 leum solvent or an aromatic solvent like benzene,  
2 toluene, or xylene, and assuming a bulk density of  
3 seven pounds per gallon you'd be generating approxi-  
4 mately twenty-one gallons of or twenty-one pounds of  
5 waste per week, and assuming four months in the  
6 week, you'd be talking about eighty pounds or so of  
7 a hazardous waste which would definitely be under,  
8 would be under the thousand kilograms.

9 Q. Mr. Brix, are there currently any federal  
10 EPA regulations or standards regarding, in a situa-  
11 tion where you're going to cleanup a PCB spill,  
12 regarding what levels in the soil are considered to  
13 be safe or acceptable?

14 A. There are several guidelines and whatnot in  
15 literature but the agencies at this point in time  
16 are addressing the the a cleanup criteria on a case  
17 by case basis. I am aware that there has been a  
18 proposal by a consortium of people, Chemical Man-  
19 ufacturers Association, the Environmental Defense  
20 Fund and Edison Electric Institute to EPA in order  
21 to initiate some action as far as establishing clean  
22 closure criteria or cleanup criteria for PCBs, yes.

23 Q. And as far as this proposal, this consor-  
24 tium proposal goes, have you obtained a copy of  
25

1 that?

2 A. I have seen a copy, yes.

3 Q. Mr. Brix, I'll hand you a document that's  
4 been marked as Van Tran Exhibit 14 and ask you if  
5 you can identify what that is.

6 A. Well it's stated at the top, it's An  
7 Alternative PCB and PCB-Contaminated Spill Clean-up  
8 Pol---

9 THE COURT: ---You're reading it but she's  
10 trying to take it down.

11 MR. BRIX: Okay. I'm looking at a document  
12 entitled An Alternative PCB and PCB-Contaminated  
13 Spill Clean-up Policy to EPA's Draft TSCA Policy No.  
14 6-PCB-9.

15 MR. WOLK: And what's the date of that docu-  
16 ment?

17 A. The date of this document is 5-17-85.

18 Q. And is that the proposal of the consortium,  
19 including?

20 A. As I recall it, this is the proposal, yes.

21 MR. WOLK: Your Honor, I'm, Van Tran moves to  
22 introduce Van Tran Exhibit Number 14 on that basis  
23 as being the proposal of consortium.

24 MR. LaROSE: I object to that document as being  
25

1 hearsay, Your Honor.

2 MR. WOLK: Your Honor, I can lay some founda-  
3 tion.

4 THE COURT: Well all right.

5 MR. WOLK: I will do that. Mr. Brix, in the  
6 business in which you perform that you've been per-  
7 forming over the last decade or so in evaluating,  
8 making site assessments and in evaluating proposals  
9 for clean-ups and those sorts of things, is it com-  
10 mon for you to rely upon proposals and such as this  
11 and/or rule-making procedures of the EPA and to keep  
12 abreast of the status of those things?

13 A. Well that's a very broad question but let  
14 me answer those questions in accordance with the  
15 steps that you presented the question in. It is a  
16 part of my work to keep abreast of what's going on.  
17 With respect to executing work for a client, the  
18 first order of priority in looking at criteria for  
19 let's use the case of clean-up is what is required  
20 by regulation and what bears the force of law. The  
21 second is what is available in the literature to us  
22 with respect to a to clean closure criteria. And  
23 these may not necessarily be in order, depending on  
24 how I'm presenting them here. And another source of  
25

1 consideration would be the degree of risk posed by a  
2 particular site. And yes, it's then to keep abreast  
3 of things like that and bear these kinds of things  
4 in mind when attempting to establish clean closure  
5 criteria.

6 Q. And is it at all significant to you that  
7 this proposal was proposed along with the chemical,  
8 by the Chemical Manufacturing Association along with  
9 the Natural Resources and Defense Council and the  
10 Environmental Defense Fund? Does that add anything  
11 to the information that?

12 A. Well based on my dealings with environmen-  
13 tal groups, I'm extremely surprised to see a docu-  
14 ment with cooperation of somebody as widely diver-  
15 gent as the Environmental Defense Fund, I'm sorry,  
16 it's surprising to see cooperation on the part of  
17 the two divergent groups such as the Chemical Manu-  
18 facturing Association and the Environmental Defense  
19 Fund.

20 Q. And in terms of utilizing a proposal such  
21 as that to evaluate a site in a clean-up proposal,  
22 does that later fact, does that add any significance  
23 to the kind of use you would make of it?

24 A. No.  
25

1 MR. WOLK: All right. Your Honor, again, at  
2 this time I will offer to introduce Van Tran's Exhi-  
3 bit Number 14 as being a, a, to show what it pur-  
4 ports to show and that is, that it is a joint pro-  
5 posal of the people mentioned and it is something  
6 that is relied upon by this expert in rendering  
7 opinions and doing the work he's hired to do.

8 MR. LaROSE: Your Honor, same objection, hear-  
9 say again. And just in my cursory review of that  
10 document I don't believe that the face of the docu-  
11 ment identifies anyone on whose behalf this proposal  
12 was prepared or by who the proposal was prepared.

13 THE COURT: Well I'm going to deny the admis-  
14 sion of the document. However, that doesn't prevent  
15 the witness, based upon his testimony, from basing  
16 any opinion he might give in part or in whole on  
17 that which is contained therein.

18 MR. WOLK: Now Mr. Brix, is there in that pro-  
19 posal that you have, is there any reference to what  
20 in there would be considered a, a, a clean-- clean-  
21 up of a PCB spill in an unrestricted area?

22 MR. LaROSE: Objection, Your Honor. He's  
23 trying to get in a document through the testimony of  
24 the witness and he hasn't asked for the opinion of  
25

1 the witness based on the document.

2 THE COURT: Well it does seem that you're try-  
3 ing to do by indirection that which I've said you  
4 can't do by direction. Sustained.

5 MR. WOLK: Well Mr. Brix, if I were to ask you  
6 to assume that someone located in some soil sedi-  
7 ments, someone allegedly located in some soil sedi-  
8 ments an amount of PCBs at a level of .09 parts per  
9 million, would you have any opinions at all as to  
10 whether or not a site such as that required any  
11 clean-up?

12 A. Well I'm not a toxicologist nor in the  
13 absence of having an assessment of what kind of  
14 environment we were talking about that level of con-  
15 tamination is not particularly alarming and may end  
16 up or could conceivably be used as a as a clean  
17 closure criteria under certain conditions.

18 Q. Say that amount was in an unrestricted  
19 area, meaning it wasn't on a private property where  
20 access could be restricted, is there anything in  
21 that document you have there that would support your  
22 opinion that there may not need to be any clean-up  
23 of that situation?

24 MR. LaROSE: I'm going to object again, Your  
25



1 Honor. He can base his opinion on the document but  
2 he can't testify as to what's in the document.

3 THE COURT: All right, sustained.

4 MR. WOLK: Your Honor, I have no further ques-  
5 tions.

6 THE COURT: Do you have any cross?

7 MR. LaROSE: Yes, sir.

8 CROSS EXAMINATION

9 BY MR. LaROSE:

10 Q. Mr. Brix, when were you employed by Van  
11 Tran to address the environmental problems present  
12 on the site?

13 A. In September of 1984.

14 Q. When did you first receive the work plan  
15 that was later attached to the Notice issued by the  
16 Agency in October?

17 A. Approximately the beginning of September in  
18 1984, 1985 excuse me.

19 Q. When did you receive the Notice that  
20 attached that that work plan?

21 A. I don't recall when I received it.

22 Q. Did you receive the Notice at some later  
23 date?

24 A. Yes, I did.

25

1 Q. Okay. You've carried on certain projects  
2 at the site since the inception of your employment  
3 by Van Tran?

4 A. Yes.

5 Q. What costs have been incurred by Van Tran  
6 or will be incurred by Van Tran as a result of the  
7 projects that you've done to date?

8 A. I don't have an accurate accounting of  
9 those at this time.

10 Q. Okay. Do you have an estimate?

11 A. I have some sort of an estimate at this  
12 time.

13 Q. Okay. How much?

14 A. I would guess around \$25,000.

15 Q. Okay. How much, what costs are being  
16 incurred by Van Tran for your testimony here today?

17 A. My hourly rate.

18 A. Of?

19 A. Of-- My hourly rate for Van Tran would be  
20 approximately \$71 an hour.

21 Q. Plus travel?

22 A. Plus travel and subsistence and plus any  
23 time that Baker employees spend giving testimony  
24 there's a one and a half multiplier on our hourly  
25

1 rate.

2 Q. So your hourly rate for the actual time you  
3 are on the stand is one and a half times?

4 A. That's correct, for time on the stand.

5 Q. You, for a period of time in your former  
6 employment, were involved in review or developing of  
7 Part-B applications?

8 A. That's correct.

9 Q. That's RCRA Part-B?

10 A. Not review but in preparation of the appli-  
11 cation.

12 Q. So you're familiar with the RCRA regula-  
13 tions?

14 A. That's right.

15 Q. You've testified to your opinion as to  
16 whether a certain amount of waste would qualify  
17 someone for a small quantity generator status.

18 A. That's correct.

19 Q. Are you familiar with the term surface  
20 impoundment?

21 A. Yes.

22 Q. This solvent pit that was present at the  
23 facility and which you took soil borings from, would  
24 that qualify as a surface impoundment?

25

1           A. Yes.

2           Q. If a surface impoundment, strike that.

3 What is a surface impoundment?

4           A. A surface impoundment is a natural or man-  
5 made depression, again I'm not quoting the regula-  
6 tory definition, but my recollection of the defini-  
7 tion is it's a manmade or natural depression or area  
8 built up to contain material at the surface, the  
9 ground surface.

10          Q. When you say material you mean hazardous  
11 waste material?

12          A. Yes. In the context of RCRA regulations,  
13 yes.

14          Q. And if a company such as Van Tran operates  
15 a surface impoundment for the disposal of hazardous  
16 waste materials, does that do anything to their  
17 small quantity generator status?

18          A. It, as I said, on the small quantity gener-  
19 ator regulations that Van Tran had an obligation to  
20 dispose of the waste as a small quantity generator  
21 in an approved site in accordance with the regula-  
22 tions.

23          Q. So that means if they dispose of it in an  
24 unpermitted surface impoundment, dispose of hazard-

1   ous waste, then they are no longer a small quantity  
2   generator?

3       A.   I'm not sure on that point.

4       Q.   Okay.  If they dispose of it, if you have a  
5   surface impoundment on your site and you dispose of  
6   hazardous waste in that surface impoundment you are  
7   subject to all of the RCRA regulations involving  
8   Part-A applications?

9       A.   With respect to that land unit, yes.

10      Q.   Okay.  And then you would not be exempt  
11   from those portions of the regulations?

12      A.   That's correct.

13      Q.   Okay.  And if you operated as a small quan-  
14   tity generator and you took your waste and put it in  
15   the dumpster and send it to a sanitary landfill, you  
16   would no longer be a small quantity generator?

17      A.   I don't understand the regulations to say  
18   that.

19      Q.   You did testify that in order to be a small  
20   quantity generator that you have to send the small  
21   quantities of hazardous waste to an approved hazard-  
22   ous waste---

23      A.   --To an approved landfill within the State  
24   that's authorized to accept industrial or municipal  
25

1 waste.

2 Q. Not hazardous waste?

3 A. Not according to federal regulations.

4 Q. What about Illinois regulations?

5 A. I don't know Illinois regulations.

6 Q. Do you know whether there's a single land-  
7 fill in Illinois, that is sanitary landfill, that's  
8 certified to accept hazardous waste?

9 A. No, I don't.

10 Q. Okay. With respect to the borings that you  
11 took in October, you presented a summary of the  
12 analysis results of those borings at our December  
13 16th meeting?

14 A. Yes, that's correct.

15 Q. Now that was your compilation of some lab  
16 analysis results?

17 A. That's correct.

18 Q. In your opinion were you relying on that  
19 compilation as an accurate compilation of those lab  
20 analysis reports when you presented it to the IEPA?

21 A. Not within the context of a preliminary  
22 screening analysis, no.

23 Q. So did you or did you not assume the num-  
24 bers that were included on that summary to be accu-

25

1 rate or not?

2 A. I assumed them to be accurate for the pur-  
3 poses of which we took the soil borings.

4 Q. The purpose of determining the vertical  
5 extent of contamination from the pit?

6 A. The purpose of performing a screen assess-  
7 ment to determine the vertical extent of the contam-  
8 ination, yes.

9 Q. So you felt comfortable with those numbers?

10 A. Yes.

11 Q. You didn't, Mr. Brix, contact the Agency  
12 before taking these soil borings?

13 A. No.

14 Q. You didn't then offer to split soil boring  
15 samples with the Agency?

16 A. No, I didn't.

17 Q. Okay. Didn't seek any assistance in  
18 determination of detection limits to be used here?

19 A. No, I didn't.

20 Q. What's QA/QC?

21 A. Quality Assurance/Quality Control program.

22 Q. Did you develop a Quality Assurance/Quality  
23 Control program before compiling this document?

24 A. With respect to obtaining the samples, the  
25

1 samples were obtained and handled in accordance with  
2 the Baker/TSA Quality Assurance/Quality Control pro-  
3 cedures. With respect to laboratory analysis, we  
4 were relying on the laboratory and their QA/QC pro-  
5 cedures which we had looked at prior to contracting  
6 the laboratory we use.

7 Q. Who is the laboratory?

8 A. The laboratory was Professional Services  
9 Industries, Inc., Shillstone Laboratories in Hous-  
10 ton, Texas.

11 Q. Did you run by any of the Baker's QA/QC  
12 requirements or Shillstone Laboratories' QA/QC  
13 requirements by the Agency prior to taking the sam-  
14 ples?

15 A. No.

16 Q. Since the date of the samples or to date  
17 have you done that?

18 A. No, I have had no contact with the Agency  
19 with respect to Quality Control/Quality Assurance  
20 procedures.

21 Q. At the time you took these soil borings in  
22 October '85, you had done no groundwater analysis,  
23 is that correct?

24 A. That's correct.  
25



1 Q. You didn't know the depth from the surface  
2 down to the upper aquifer?

3 A. That's correct.

4 Q. Of the groundwater?

5 A. That's correct.

6 Q. You had sunk no groundwater monitoring  
7 wells?

8 A. The wells were put in, or not monitoring  
9 wells, were exploratory wells were put in commensu-  
10 rate with the soil borings.

11 Q. So you didn't have wells in place prior to  
12 taking?

13 A. Prior to boring in the pit we did not have.

14 Q. You had not reviewed any existing geophys-  
15 ical data with respect to the site in terms of any  
16 data that may show groundwater flow?

17 A. No, we did not.

18 Q. In fact, you had, prior to taking your  
19 borings, not even attempted to review any existing  
20 data regarding the geophysical properties of the  
21 site specific or the general area surrounding the  
22 site?

23 A. I made no investigation of geophysics  
24 whatsoever.

25

1 Q. What's geophysics?

2 A. It's a study of the physics of the earth.

3 Q. To determine things like groundwater flow?

4 A. I consider that geohydrology.

5 Q. Did you make any study of any existing data

6 on geohydrology?

7 A. No, I didn't.

8 Q. Did you make any studies of any existing

9 data?

10 A. The only data which was reviewed in pre-

11 paration for this preliminary screening analysis

12 were the compounds that could be identified as

13 potentially being present based on IEPA's data and

14 based on interviews with plaintiff's personnel.

15 Q. You knew, did you not, that IEPA had

16 informed Van Tran that there was potential PCB prob-

17 lem at the site?

18 A. Yes.

19 Q. And in fact you were supplied with sum-

20 maries of lab analysis reports supplied by the IEPA

21 to Van Tran indicating that there was PCB problems

22 at the site?

23 A. I was not supplied with laboratory analysis

24 reports generated by IEPA.

25

1 Q. You were provided with summaries of those  
2 reports which were provided to Van Tran, is that  
3 correct?

4 A. I don't believe so.

5 Q. Okay. Were you provided with a copy of the  
6 July, strike that. Did you see any documents gener-  
7 ated by the IEPA that indicated summaries of lab  
8 analysis results?

9 A. I, I saw documents indicating the results  
10 of laboratory analysis.

11 Q. Done at Van Tran's property?

12 A. Correct.

13 Q. And those lab analysis results indicated or  
14 at least the summaries indicated that there was cer-  
15 tain concentration of PCBs in the pit area?

16 A. That's correct.

17 Q. And outside the pit area?

18 A. I don't know what data we're talking about  
19 at this point in time.

20 Q. What data are you talking about?

21 A. The, the data that I'm talking about was  
22 part and parcel of a Notice that Van Tran received  
23 last summer where the data was, was specifically  
24 addressed to the pit area.

25

1 Q. Okay. And there was nothing addressing PCB  
2 problems outside the area?

3 A. There was verbage to that effect but I  
4 didn't see any data on that fact.

5 Q. And in addition to the PCB problems that  
6 were indicated in these lab analysis summaries that  
7 you saw, there was problems with other hazardous  
8 waste solvents?

9 A. There were, there was a presence of sol-  
10 vents in the pit, yes.

11 Q. Specifically toulene, xylene, benzene and  
12 MEK?

13 A. Right.

14 Q. And those numbers of that, of those sum-  
15 maries of those reports were submitted to your  
16 attention?

17 A. That's correct.

18 Q. And you reviewed them?

19 A. Yes.

20 Q. You said that your company is involved with  
21 PCB cleanup?

22 A. That's correct.

23 Q. PCB is a hazardous substance, is it not?

24 A. That's correct.

25

1 Q. Under the definition of hazardous substance  
2 as it's contained in CERCLA?

3 A. I'm not sure as to whether it's covered  
4 under CERCLA or not at this point in time. I  
5 believe it is covered under CERCLA.

6 Q. It is is hazardous substance?

7 A. Yes.

8 Q. And wastes from solvents using benzene,  
9 toluene, xylene and MEK are also hazardous sub-  
10 stances, isn't that correct?

11 A. Yes, that's correct.

12 Q. Now you've testified that PCBs were not  
13 very mobile in soil.

14 A. That's correct.

15 Q. In fact I think, strike that. Wouldn't you  
16 be surprised in your experience to find levels of  
17 PCBs in soil traveling down further than two or  
18 three feet?

19 A. From what?

20 Q. From the surface of the ground.

21 A. You mean, you mean with reference to perco-  
22 lation in the ground?

23 Q. Correct.

24 A. Yes, I would be surprised.

25

1 Q. Would it have to be a high level of PCB  
2 contamination for it to travel further?

3 A. I, I don't know what you mean by high  
4 level.

5 Q. Would it have to be a high concentration of  
6 PCBs in order to travel further than two or three  
7 feet down below the surface?

8 A. Not necessarily depending on the porosity  
9 of the soils and the mechanism involved. I can't  
10 make a blanket statement that if I find it lower  
11 than three feet that I had a high concentration at  
12 the top.

13 Q. But in your experience it's rare to find  
14 PCB contaminations vertically down lower than two or  
15 three feet?

16 A. Yes.

17 Q. Your lab analysis summary that you pre-  
18 sented to the Agency on December 16th, 1985, you  
19 took soil borings at two locations down to eight  
20 feet?

21 A. Uh hum.

22 Q. Is that correct?

23 A. Uh hum.

24 Q. And you found PCB contamination down to  
25

1 eight feet, is that correct?

2 A. No, I don't believe so.

3 Q. I'm going to hand you what's been marked  
4 and admitted as IEPA Exhibit Number 3 and ask you if  
5 you recognize that.

6 A. I recognize the document, yes.

7 Q. What is it?

8 A. This is a data table that I produced at our  
9 December 23 meeting and provided copies to yourself  
10 and Mr. Wolk.

11 Q. Is that an accurate copy of the table that  
12 you produced?

13 A. It appears to be an accurate copy, yes.

14 Q. Addressing your attention to Soil Boring  
15 Location B, the 7 to 8 foot level, does that indi-  
16 cate PCB contamination?

17 A. Yes, it does. It indicates the presence of  
18 PCBs.

19 Q. ~~And what's the concentration?~~

20 A. ~~375 parts per million.~~

21 Q. ~~With respect to Soil Boring A, you found~~  
22 ~~contamination in the 0 to 1 foot range a total con-~~  
23 ~~centration of approximately 2000 parts per million.~~

24 ~~correct?~~

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A. [REDACTED]

Q. [REDACTED]

A. [REDACTED]

Q. Have you personally been involved in PCB cleanup work?

A. No.

Q. Okay. Have you ever personally conducted an RI/FS or developed an RI/FS for PCB contamination?

A. In total?

Q. Yes.

A. No.

Q. Have you ever developed an RI/FS?

A. Parts of a RI/FS, yes.

Q. You've never developed a total?

A. Not in total.

Q. Let me ask you a question. Little numbers in parenthesis next to the Soil Boring Location A on IEPA Exhibit Number 3 from the 0 to 1 foot level, what do those mean?

A. That is the PCB formulation, the specific formulation of PCBs.

Q. That's the aroclor number?

A. That's correct.



1 Q. A-R-A-C-L-O-R I believe. Is that correct?

2 A. A-R-- you've got me stumped. A-R-O-C-L-O-

3 R.

4 Q. Hold it, we'll get it. Aroclor. What's  
5 the significance of that aroclor number?

6 A. It identifies the types of PCBs.

7 Q. How many different types of aroclors are  
8 there?

9 A. I believe there are a dozen or so.

10 Q. Are you sure there's not two hundred or so?

11 A. No, I'm not.

12 Q. There could be?

13 A. There could be.

14 Q. Does that specify, with reference to the 1  
15 to 2 foot level Boring Location A on IEPA Exhibit  
16 Number 3, the numbers 1254 and 1260, that would  
17 identify the specific aroclor?

18 A. That was found, yes.

19 Q. Now does that aroclor designation mean any-  
20 thing to you in terms of being able to trace PCBs  
21 from a source of a contamination to possible migra-  
22 tion sources anywhere?

23 A. With respect to an identification of the  
24 PCBs in both locations?

25

1 Q. Yes.

2 A. It could be used that way.

3 Q. And how would it be used that way?

4 A. It would be used if the PCB identification  
5 or formulation was the same in one location as in  
6 another location they were present in both loca-  
7 tions.

8 Q. And if there was a direct pathway between  
9 those two locations, would that give you any indica-  
10 tion as to whether the two are connected or related  
11 in any way?

12 A. Absent any other possible source it would  
13 give some indication, yes, or intervening source.

14 Q. Now you found PCB contamination at eight  
15 feet but you went no further than eight feet?

16 A. That's correct.

17 Q. And you didn't know where the groundwater  
18 upper aquifer was located?

19 A. That's correct.

20 Q. It may have been located at nine feet?

21 A. At that site?

22 Q. Yes.

23 A. Yes.

24 Q. Okay. And you've never taken any soil bor-  
25

1 ings lower than eight feet at the site, have you?

2 A. No, we haven't.

3 Q. Okay. Your closure plan, if you want to  
4 call it that, for the pit area said that you would  
5 excavate down to a six foot area?

6 A. Uh hum.

7 Q. Was that based on your chart here?

8 A. It was based on, yes, partially on that  
9 chart, yes.

10 Q. The chart that we've admitted as IEPA Exhi-  
11 bit Number 3?

12 A. That's correct.

13 Q. Okay. Why when you found contamination  
14 down to an eight foot level would you propose to go,  
15 begin your interval at six feet?

16 A. Because as we talked about the accuracy of  
17 those numbers, I am not convinced that there is PCBs  
18 present below six feet because of the low magnitudes  
19 of the numbers we detected. We intended to deter-  
20 mine whether or not there was additional contamina-  
21 tion by the post-excavation sample.

22 Q. Now if there was, do you think that the  
23 levels that you found on Plaintiff's Exhibit Number  
24 3, IEPA Exhibit Number 3, as you indicated and as  
25

1 you summarized, would warrant excavation of that pit  
2 down to the six foot level?

3 A. As a first excavation?

4 Q. Yes.

5 A. Yes.

6 Q. And possibly even much further than that?

7 A. Well whatever the post, the first cut post-  
8 excavation stuff or analysis indicated, yes.

9 Q. So if PCB contamination were found outside  
10 the pit area then you would want to excavate that as  
11 well?

12 A. Depending on the extent.

13 Q. If it was similar to the extent that you  
14 found in this document.

15 A. Well I'm talking about areal extent. There  
16 may be other things that we'd look at if there was a  
17 widespread blowup.

18 Q. Okay. Assuming the concentrations are the  
19 same that you found in IEPA Exhibit Number 3 and  
20 there, a, outside the pit area you would want to do  
21 excavation of that as well?

22 A. All I'm saying is if it's a fairly wide-  
23 spread PCB contamination then excavation might not  
24 be the most cost effective way to take remedial  
25

1 action.

2 Q. What else?

3 A. There could be a capping operation. There  
4 could be some combination of capping and excavation.

5 Q. But some remedial action would need to be  
6 taken?

7 A. If there was a concentration of widespread  
8 PCBs.

9 Q. In other words, if concentrations of PCBs  
10 were all over Van Tran's property?

11 A. Yes.

12 Q. You didn't take any soil borings at this  
13 time outside the pit area?

14 A. In connection with that particular set of  
15 samples, no.

16 Q. Okay. You didn't take any on the perimeter  
17 of the pit area?

18 A. No, we did not.

19 Q. Okay. So you didn't know the lateral  
20 extent, if any, of contamination?

21 A. That's correct. We didn't have an accurate  
22 picture of the lateral extent.

23 Q. Now sometime later you did soil borings  
24 outside the pit area?

25

1 A. Yes.  
2 Q. How many?  
3 A. Some before and some after.  
4 Q. So you did soil borings before this outside  
5 the pit area?  
6 A. I'm not sure the sequence at which the  
7 borings were done but all the borings were done  
8 within a three-day period.  
9 Q. All the borings including these borings?  
10 A. That's correct.  
11 Q. So at this time you did do borings outside  
12 the pit area?  
13 A. Yes.  
14 Q. What was the results of those samples?  
15 A. With respect to what?  
16 Q. PCBs.  
17 A. There were three or four areas with some  
18 PCBs detected down to two foot level.  
19 Q. Where are those sample results Mr. Brix?  
20 A. I don't have them with me. I didn't pre-  
21 pare a report on them.  
22 Q. Why not?  
23 A. I wasn't requested to.  
24 Q. Did anyone request that you not prepare a  
25

1 report on it?

2 A. No.

3 Q. You haven't notified the IEPA about any of  
4 those other soil borings?

5 A. No, I haven't.

6 Q. Have you ever offered to split samples with  
7 them?

8 A. No.

9 Q. You have that documentation of those some-  
10 where?

11 A. I have the data someplace, yes.

12 Q. Do you have the actual sampling analysis  
13 results?

14 A. Yes.

15 Q. Any reason why you didn't bring them here  
16 today?

17 A. No.

18 Q. Van Tran has made the claim Mr. Brix that  
19 there's, they're certain that there's been no off-  
20 site migration of PCBs or any other hazardous sub-  
21 stances. Are you aware of that?

22 A. I'm not aware that they've made that claim.

23 Q. Have you done anything to investigate the  
24 possibility of off-site migration of PCBs or any  
25

1 other hazardous substances?

2 A. No, I have not.

3 Q. Are you certain at this time in your opin-  
4 ion that there has been no off-site migration of  
5 PCBs or any other hazardous substances at Van Tran?

6 A. No.

7 Q. You've done no investigation to that  
8 extent?

9 A. That's correct.

10 Q. And I take it you've not taken a single  
11 boring off-site?

12 A. I believe all our borings are on the Van  
13 Tran property.

14 Q. You haven't dug a well off-site?

15 A. One of the wells might be off-site.

16 Q. How far?

17 A. I'm not sure.

18 Q. Inches?

19 A. No, I don't believe so.

20 Q. Feet?

21 A. It could be, yes.

22 Q. This closure plan again wasn't a written  
23 closure plan, was it?

24 A. No, it was a concept.



1 Q. In fact, you haven't developed a single  
2 written plan since you've been hired by Van Tran.

3 A. That's true.

4 Q. Is it normal in your profession to when you  
5 propose a plan either to an employer or to a govern-  
6 mental agency to have it in writing?

7 A. It's, it's normal to talk about the work  
8 we're going to do and then execute it as it's  
9 executed.

10 Q. And is it normal, strike that. [REDACTED]

11 [REDACTED] a single [REDACTED] plan?  
12 [REDACTED] the [REDACTED] plan?

13 A. [REDACTED] not.

14 Q. [REDACTED] anything with respect to [REDACTED]  
15 [REDACTED] did you?

16 A. To what?

17 Q. [REDACTED]

18 A. [REDACTED]

19 Q. You didn't gather or review or summarize  
20 any of the existing data with respect to the site?

21 A. Only the data that was provided to me by  
22 your notices.

23 Q. Okay. Only the data provided in the June  
24 letter and the work plan and the 4(q) Notice?

25

1           A. That's correct. That's the only data that  
2 I've reviewed.

3           Q. At the December 16th meeting you wanted to  
4 know where you could find some of this existing  
5 data, is that right?

6           A. Well we had an idea where we could find it.  
7 We wanted to talk about how much of that data we  
8 wanted to extract.

9           Q. Did we offer to assist you in supplying you  
10 with any documentation regarding existing data that  
11 the IEPA had?

12          A. Yes.

13          Q. We offered to open our files to you, didn't  
14 we?

15          A. Yes.

16          Q. You said that PCB cleanups on a case by  
17 case basis in terms of down to what levels that are  
18 acceptable for clean site closure.

19          A. Clean closure, yes.

20          Q. You even know of a single site that was  
21 accepted as a clean site closure?

22          A. Do I know of one yet?

23          Q. Yes.

24          A. No, I don't, or have personal knowledge of  
25

1 one, no.

2 Q. Now you dug some monitoring wells out  
3 there, right?

4 A. Yes.

5 Q. Basically at, they form a criss cross  
6 across the Van Tran property?

7 A. That's correct.

8 Q. On the perimeters of the property. When  
9 was that done?

10 A. That was done on October 17th, 1985.

11 Q. At whose direction?

12 A. At the direction of Van Tran, Mr. Wolk.

13 Q. ~~\_\_\_\_\_~~

14 A. ~~\_\_\_\_\_~~

15 ~~\_\_\_\_\_~~

16 THE COURT: For who?

17 MR. BRIX: Mr. Wolk's firm.

18 THE COURT: You gave a name but it wasn't  
19 understandable to me and I don't think the reporter  
20 understood it either.

21 MR. LaROSE: I'm sorry, I was thinking of some-  
22 thing else. I missed the date.

23 A. October 17th, 1985.

24 Q. The date that the soil borings went in, is  
25

1 that correct?

2 A. That was the same time period, yes.

3 Q. Who chose the location of those wells Mr.  
4 Brix?

5 A. I did.

6 Q. What was the basis of your choosing the  
7 location of those wells?

8 A. It was to be strictly exploratory wells to  
9 look at the state of the groundwater, a quick look  
10 at the state of the groundwater under the area of  
11 the Van Tran plant.

12 Q. To get a profile of what the groundwater  
13 was doing?

14 A. No.

15 Q. The purpose of it was not to determine the  
16 groundwater flow?

17 A. No.

18 Q. A profile of the state of the groundwater.  
19 What do you mean by that?

20 A. The groundwater quality.

21 Q. Okay. Had you installed these wells pur-  
22 suant to any written groundwater monitoring plan?

23 A. How do you mean a groundwater monitoring  
24 plan? I'm not following your question.

25

1 Q. The question is: Had you developed any  
2 written documents regarding a placement of these  
3 groundwater monitoring wells prior to their instal-  
4 lation?

5 A. I sketched them in a rough plat book.

6 Q. No written proposal?

7 A. No.

8 Q. No written proposal setting forth any rea-  
9 soning why the wells should be placed where they  
10 were placed?

11 A. No, there wasn't.

12 Q. Why did you choose to place them at the  
13 perimeter basically forming a criss cross across Van  
14 Tran's property?

15 A. The, the choice of the monitoring wells'  
16 locations was, was a to look at the groundwater  
17 underlying the Van Tran site. There was, there was  
18 no geo, hydrogeological investigation intended. It  
19 was to get some, some exploratory wells in quickly  
20 for the purpose of assessing what groundwater was  
21 doing.

22 Q. How deep did you go?

23 A. The wells were drilled to a depth of  
24 approximately twenty feet I believe, nineteen,  
25

1 twenty feet.

2 Q. How did you know whether that would be  
3 sufficient enough to get you into the groundwater?

4 A. Well we hit water at about twelve feet.

5 Q. So now you know the groundwater is at  
6 twelve feet?

7 A. On the day we measured it it was approxi-  
8 mately twelve feet from the surface.

9 Q. Okay. And prior to this time again you had  
10 done no studies of any kind to determine direction  
11 of groundwater flow?

12 A. That's correct.

13 Q. Are you familiar with the Illinois regula-  
14 tions regarding groundwater monitoring systems?

15 A. I'm familiar there's guidelines and poli-  
16 cies out, yes.

17 Q. Your purpose of putting these in was to  
18 detect possible contamination from this source spe-  
19 cific on Van Tran's site, correct?

20 A. The purpose wasn't to detect contamination  
21 as much as it was to get a, a, an exploratory set of  
22 wells in to look at the state of groundwater as it  
23 currently exists quickly and not intended to be  
24 monitoring wells.

25

1 Q. What are they made out of?  
2 A. They're PVC.  
3 Q. Not teflon?  
4 A. That's right.  
5 Q. Not stainless steel?  
6 A. No, they're not teflon or stainless steel.  
7 Q. You're aware that the Illinois EPA and U.S.  
8 EPA required teflon and stainless steel in monitor-  
9 ing wells?  
10 A. Yes, I am.  
11 Q. Your purpose for looking at the quick pro-  
12 file though was because we were having some type of  
13 environmental problem on the site, isn't that cor-  
14 rect?  
15 A. Yes.  
16 Q. Do you know whether or not the Illinois  
17 regulations require at least three downgradient  
18 wells from a point of potential contamination?  
19 A. In a monitoring system, yes.  
20 Q. This wasn't a monitoring system?  
21 A. It is not a monitoring system.  
22 Q. And since you knew nothing about which way  
23 the groundwater flowed you'd have no idea whether  
24 any of these wells were downgradient?  
25

1           A. We at that point in time still don't have  
2 any idea of the upgrading or downgrading of those  
3 particular wells on the site.

4           Q. You've done nothing with respect to that?

5           A. We have not.

6           Q. Mr. Brix, you had stated earlier that PCBs  
7 aren't volatile and they don't present an air pollu-  
8 tion problem.

9           A. That their volatility is low. Their vapor  
10 pressure is more.

11          Q. The solvents, they're pretty volatile?

12          A. The air vapor pressure is high, yes.

13          Q. And they present air pollution problems?

14          A. Well in sufficient quantity they would.

15          Q. Is thirty-five thousand parts per million  
16 xylene a sufficient quantity to cause a potential  
17 air pollution problem?

18          A. Depending on the quantity of xylene or the  
19 quantity of liquid at thirty-five thousand parts per  
20 million we're talking about. A pint at thirty-five  
21 parts per million, no, I don't believe unless it's  
22 in this room.

23          Q. An eight foot pit at thirty-five parts per  
24 million a potential air pollution problem?



1 A. Not necessarily.

2 Q. Possible?

3 A. Depending on where, where that that is and  
4 where people are with respect to it.

5 Q. Possibly?

6 A. I can't even answer possibly to be honest  
7 and correct.

8 Q. When we get into the thousandths of parts  
9 per million, specifically ten thousand parts per  
10 million, we're beginning to talk in terms of percen-  
11 tages, are we not?

12 A. That's correct. You can describe it as a  
13 percentage.

14 Q. So thirty-five thousand parts per million  
15 would mean that the chemical present at that parts  
16 per million would be 3.5 percent of whatever it's  
17 found in?

18 A. That's correct.

19 Q. So if it was found in soil and it was  
20 xylene that that soil would be 3.5 percent xylene?

21 A. At the point the sample was taken, yes.

22 Q. Is that a high concentration?

23 A. I would consider it a high concentration.

24 Q. Does that cause some possible environmental  
25

1 problems?

2 A. Again depending on the volume and the  
3 extent of that.

4 Q. If it got into the groundwater would it  
5 cause some environmental problems?

6 A. If there were thirty-five, 3.5 percent by  
7 volume xylene in the groundwater it would cause  
8 environmental problems.

9 Q. You have no idea whether that's that much  
10 in groundwater?

11 A. No.

12 Q. At the site?

13 A. At this point in time?

14 Q. Yes.

15 A. The data I have is very inconclusive at  
16 this point. I can't begin to talk about the  
17 groundwater.

18 Q. Did you monitor those wells, Mr. Brix?

19 A. We took samples from the wells.

20 Q. Did you analyze the samples?

21 A. Yes, we did.

22 Q. Where are they?

23 A. Where are the results?

24 Q. Yes.

25

1           A. The results are in in rough form now as  
2 reported from the laboratory to me.

3           Q. Why aren't they here?

4           A. I didn't bring them.

5           Q. Why not?

6           A. I wasn't told to.

7           Q. Were you told not to?

8           A. No.

9           Q. Do those groundwater results Mr. Brix  
10 through the raw data that you've seen show any  
11 groundwater contamination at the site?

12          A. The data at this point in time is totally  
13 inconclusive.

14          Q. What about just the preliminary showing as  
15 a result of that data?

16          A. Well on the basis of one round of taking  
17 samples out of, out of a set of four wells I can't  
18 make any conclusions.

19          Q. Have you ever seen a concentration in soil  
20 of thirty-five thousand parts per million xylene in  
21 your experience?

22          A. Have I ever personally seen it?

23          Q. Yes.

24          A. No.

25

1 Q. What's the highest level you've seen?  
2 A. With respect to xylene?  
3 Q. Yeah.  
4 A. I've never been involved with xylene.  
5 Q. What about toluene?  
6 A. The highest level I've ever seen of toluene  
7 were about a hundred parts per million.  
8 Q. What about two hundred and sixty parts per  
9 million PCBs, is that a high concentration?  
10 A. I would consider it a high concentration.  
11 Q. Twenty-seven hundred parts per million?  
12 A. I would consider that a high concentration,  
13 yes.  
14 Q. Both of those concentrations are way above  
15 the limit that needs some environmental response, is  
16 that correct?  
17 A. I would say so if it was found in the  
18 ground, yes.  
19 Q. Have you ever seen PCB concentration in the  
20 ground at twenty-seven hundred parts per million?  
21 A. Not personally, no.  
22 Q. Have you ever taken a sample of Askarel?  
23 Do you know what that is?  
24 A. I have taken a sample of it, yes. You mean  
25

1 pure material?

2 Q. Pure material.

3 A. Yes.

4 Q. Have you ever run analysis on Askarel?

5 A. Not personally.

6 Q. Do you know whether if you ran analysis on  
7 pure Askarel you'd even come up with twenty-seven  
8 hundred parts per million?

9 A. No, I don't know.

10 Q. It's possible that it could be much lower  
11 than that?

12 A. I don't know.

13 Q. On the pure product?

14 A. I don't know on the pure product.

15 MR. LaROSE: That's all I have.  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

REDIRECT EXAMINATION

BY MR. WOLK:

Q. Mr. Brix, Mr. LaRose asked you some questions rather early on-- As I understood it, he asked you did you seek any assistance from the IEPA in order to determine what detection limits to use in this pit and as I understood the question, it was before you went ahead and did some soil borings. Do you remember that?

A. He asked the question did I prior to initiating soil boring out there seek the assistance of IEPA with respect to acceptable limits of detection. He did ask that question.

Q. Okay. Let me ask a different question. After the soil borings, did you or did the company seek any assistance from the IEPA as to detection limits or sampling methods or anything else of that nature?

A. No, I did not and I'm not aware that the company did.

Q. At the December 16 meeting wasn't that discussed in some depth in terms of what their suggestions would be as to to a---

MR. LaROSE: ---Objection, leading. I think

1 he's already answered the question.

2 THE COURT: Well it is leading.

3 MR. WOLK: I'll withdraw the question, Your  
4 Honor.

5 I think Mr. LaRose also asked you whether  
6 it was normal when you're working with your clients  
7 not to have a report at this point in time and I  
8 want to ask you this: Is it normal when you work  
9 with your clients to deal with the state agency who  
10 won't, isn't willing to discuss with you your  
11 thoughts or those of your clients?

12 MR. LaROSE: Objection. It assumes facts.

13 THE COURT: Well if that's your objection I  
14 think there's a basis for the question and the  
15 record, so overruled.

16 MR. WOLK: You may answer, sir.

17 A. Could you repeat the question?

18 Q. Yes. In your experience, is it normal to  
19 have a situation where the state agency is refusing  
20 to discuss with you your thoughts or those of your  
21 clients as to how to clean up the property?

22 MR. LaROSE: Objection relevance as to what's  
23 normal in his experience.

24 MR. WOLK: Mr. LaRose's words, Your Honor.  
25

1 THE COURT: Well I'll allow it.

2 MR. BRIX: I have never run into inflexibility,  
3 I mean total inflexibility with respect to a scope.

4 MR. WOLK: And Mr. Brix, with respect to the  
5 question of whether you've taken any samples off-  
6 site, are you a man who respects private property?

7 A. I attempt to, yes.

8 MR. WOLK: No further questions.

9 MR. LaROSE: I just have maybe a couple clear-  
10 up questions.

11 THE COURT: All right.

12 RECROSS EXAMINATION

13 BY MR. LaROSE:

14 Q. You mention on redirect inflexibility, is  
15 that correct?

16 A. Yes, that's the word I used.

17 Q. At the December 16th meeting you thought  
18 there was inflexibility on the Agency's part?

19 A. That's the way I came away from the meet-  
20 ing, yes.

21 Q. Was the, inflex-- strike that. Isn't it so  
22 Mr. Brix that we were inflexible with respect to the  
23 tasks that needed to be completed for the work plan?

24 A. That's correct.  
25



1 Q. Okay. But you were informed that the depth  
2 or the depths at which each task needed to be per-  
3 formed was going to be left up to yourself, the  
4 professional consultant?

5 A. I walked away hearing that initially and  
6 hearing something differently from Mr. Carlson so it  
7 was a matter of interpretation.

8 Q. But you were told that we weren't going to  
9 direct how you had to do each step, is that right?

10 A. I was told that that you weren't going to  
11 direct how we were going to do each step but that  
12 you would approve of each step and if that approval  
13 was not obtained that you would conduct that step.

14 Q. But we wanted you to develop within your  
15 expertise?

16 A. That the, that the initial development of  
17 the work plan and outline for each task was to be  
18 done by the consultant, yes, subject to the approval  
19 of the Agency.

20 MR. LaROSE: That's all.

21 MR. WOLK: No further questions.

22 THE COURT: All right. You can step down.

23 THE COURT: All right, we'll take a short  
24 recess.

25

(recess)

1  
2 THE COURT: All right. Who's next?

3 MR. LaROSE: Mr. Colantino.

4 MR. WOLK: Yes, Your Honor, I might say Mr.  
5 Brix' testimony concludes Van Tran's case in chief.

6 MR. LaROSE: Your Honor, just a point in refer-  
7 ence, I would ask that the court consider Mr. Brix'  
8 cross examination as adverse examination for the  
9 purpose of our motion for preliminary injunction as  
10 well.

11 THE COURT: Okay. I will. We'll put it all in  
12 one ball of wax.

13 MR. LaROSE: The IEPA calls Mr. Colantino.

14 THE COURT: All right. Just be seated.  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**PRC Engineering**  
Suite 600  
703 East Wacker Drive  
Chicago, IL 60601  
312-938-0300  
TWX 910-2215112  
Date CONTOWENG

**prc**  
**Planning Research Corporation**

**VAN TRAN ELECTRIC CORPORATION**

**(ILD 981 093 628)**

**U.S. EPA REGION 5**

**LOSS OF INTERIM STATUS INSPECTION**

**REPORT-CHECKLIST**

Prepared for

**U.S. ENVIRONMENTAL PROTECTION AGENCY**  
Office of Waste Programs Enforcement  
Washington, D.C. 20460

Work Assignment No. : 507  
EPA Region : V  
Site No. : ILD 981 093 628  
Date Prepared : June 6, 1986  
Contract No. : 68-01-7037  
PRC No. : 15-5070-00  
Prepared By : PRC Engineering  
(Daniel T. Chow)  
Telephone No. : 312/938-0300 ext. 429  
EPA Primary Contact : William E. Muno  
Telephone No. : 312/886-4434

**PRIVILEGED WORK PRODUCT PREPARED  
IN ANTICIPATION OF LITIGATION**

**ENFORCEMENT  
CONFIDENTIAL**

# INSPECTION CHECKLIST

## LOIS INSPECTIONS - REGION 5

Facility Name: Van Tran Electric Corp.

Site I.D.: ILD 981 093 628

Inspection Date: March 12, 1986

Inspector(s): Tom Hahne and Noel Simmons

<u>Completed</u>	<u>Not Required</u>	<u>Item</u>	<u>Page</u>
<u>X</u>	<u>          </u>	General Information	B-1
<u>X</u>	<u>          </u>	Summary Report	C-1
<u>X</u>	<u>          </u>	Notes, Other Observations, and Recommendations	D-1
<u>X</u>	<u>          </u>	List of Site Contacts	E-1
<u>X</u>	<u>          </u>	List of Site Documents	F-1
<u>X</u>	<u>          </u>	List of Inspected Waste Management Units	G-1
<u>X</u>	<u>          </u>	Inspection Questionnaire	H-3

**GENERAL INFORMATION**

Facility I.D. Number: ILD 981 093 628

Facility Name: Van Tran Electric Corp.

Facility Contact (Name and Title): Steve Parke, V.P. and Compliance Officer

Facility Contact (Phone): 817/772-9740

Facility Mailing Address:

(Street) P.O. Box 20218

(City) Waco

(State) Texas

(Zip) 76702-0128

Facility Location:

(Street) 1505 Van Tran Avenue

(City) Vandalia

(County) Fayette

(State) Illinois

(Zip) 62471

**SUMMARY REPORT**Facility Name: Van Tran Electric**PART A APPLICATION STATUS**

Submitted	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
Additions	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
Deletions	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No

**3007 U.S. EPA REQUEST LETTER**

Received	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
Response	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No

**LOIS CERTIFICATION**

Submitted	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
-----------	--------------------------	-----	-------------------------------------	----

**CLOSURE PLAN**

(Place number of waste management units in the appropriate box)

Submitted	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Approved	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Implemented	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Certified Closure	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No

**SUMMARY REPORT (Continued)****CURRENT RCRA ACTIVITIES**

Waste Generator	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
Waste Storage	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
Waste Land Disposal	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
Waste Transporter	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
Land-Based Waste Treatment	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
Waste Treatment other than Land Disposal	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No

Additional Remarks: This facility is a permitted small quantity generator. The  
facility is currently storing five drums of material removed from treatment  
surface impoundment. Van Tran will ship these drums off-site after the closure  
plan is approved by the Illinois EPA. The inspectors feel that the facility  
may be a storage facility if they are storing more than 1000 kg. of hazardous  
material for greater than ninety days.

---

---

---

---

---

---

---

**NOTES, OTHER OBSERVATIONS AND RECOMMENDATIONS**

Van Tran Electric Corporation's facility in Vandalia, Illinois, is an active  
transformer manufacturing facility. The site never submitted a Part A application,  
and currently it is permitted as a small quantity generator (Illinois Permit No.  
0510350004). Van Tran is disputing its RCRA status with IEPA (personal communica-  
tion, Steve Parke, Van Tran Electric). Mr. Parke stated that he does not believe  
that the site is a treatment, storage, or disposal facility under RCRA regulations.

Van Tran operated a small evaporation pond to treat regulated hazardous waste  
resulting (F001 and F003) from the facility's processes. This unit was operated  
from the mid-1970s to June 1985 (personal communication, Jerry Little, Van Tran  
Electric Corp.). The facility filed a closure plan with IEPA in 1985.

Inspectors accompanied site officials to the location of the former surface  
impoundment (as indicated by site officials). Site officials identified a bare,  
circular (approximately 15 feet in diameter) area, as the location of the  
impoundment. The surface impoundment area appeared to have been filled and  
recently covered. Site officials additionally stated that six drums (55 gallons  
each) of earth had been removed and were being stored in an on-site warehouse  
awaiting off-site shipment pending approval of the closure plan. Inspectors  
verified the existence and storage of these drums.

Steve Parke will forward the following three documents to the EPA (William Muno's  
office): (1) copy of closure plan, (2) transmittal letter for closure plan, and  
(3) manifest pertaining to Question 13.



LIST OF SITE CONTACTS

	Name	Title	Telephone
1.	<u>Jerry Little</u>	<u>Office Manager</u>	<u>618/283-3220</u>
2.	<u>Bob Smith</u>	<u>Plant Superintendent</u>	<u>618/283-3220</u>
3.	<u>Greg Wolk</u>	<u>Corporate Lawyer</u>	<u>314/241-8909</u>
4.	<u>Steve Parke</u>	<u>Vice President</u>	<u>817/772-9740</u>
5.	<u></u>	<u></u>	<u></u>
6.	<u></u>	<u></u>	<u></u>
7.	<u></u>	<u></u>	<u></u>

**LIST OF SITE DOCUMENTS**

1. Title Notification of Hazardous Waste Activity  
Author Van Tran Electric Corp.  
Date September 18, 1985 Number of Pages 3
2. Title \_\_\_\_\_  
Author \_\_\_\_\_  
Date \_\_\_\_\_ Number of Pages \_\_\_\_\_
3. Title \_\_\_\_\_  
Author \_\_\_\_\_  
Date \_\_\_\_\_ Number of Pages \_\_\_\_\_
4. Title \_\_\_\_\_  
Author \_\_\_\_\_  
Date \_\_\_\_\_ Number of Pages \_\_\_\_\_
5. Title \_\_\_\_\_  
Author \_\_\_\_\_  
Date \_\_\_\_\_ Number of Pages \_\_\_\_\_

LIST OF INSPECTED WASTE MANAGEMENT UNITS

U.S. EPA Process Code/Unit	Field Observations
1. <u>T02</u>	<u>According to Mr. Smith, this</u> <u>treatment pond has been closed</u> <u>and covered with a clay cap.</u> <u>The diameter of the closed unit</u> <u>is approximately 15 feet. Six</u> <u>55-gallon drums of contaminated</u> <u>soil have been removed and are</u> <u>being stored in an on-site ware-</u> <u>house pending IEPA approval of</u> <u>site closure plan.</u>
2. _____	_____ _____ _____ _____ _____ _____ _____

## CODES FOR COMPLETING QUESTIONNAIRE

### INSTRUCTIONS:

All questions must be answered with at least one of the codes listed below. Questions answered with an "I" (insufficient information) require further explanation. In these cases, or whenever additional information needs to be reported, write notes in the "Remarks" area provided at the bottom of each questionnaire page or on a separate sheet of paper (extra sheets of paper should be numbered and inserted into the work sheets using the number of the preceding page and a lower case letter -- for example, p. H-5a). Also note that when parentheses are used around a blank, the information should be filled in before the interview.

#### Codes for Answering Questions

	<u>Usage</u>
Y	Yes
N	No
NA	Question not applicable
I	Insufficient information; need explanation

#### Process Codes

	<u>Usage</u>
S01	Container storage
S02	Tank storage
S03	Waste pile storage
S04	Surface impoundment storage
D79	Injection well disposal
D80	Landfill disposal
D81	Land application disposal
D83	Surface impoundment disposal
T01	Tank treatment
T02	Surface impoundment treatment

<u>Process Codes</u>	<u>Usage</u>
T03	Incineration
T04	Other physical, chemical, thermal, or biological treatment processes not using tanks, surface impoundments, or incinerators

<u>Closure Status Code</u>	<u>Usage</u>
CPS	Closure Plan has been submitted (obtain a copy of the plan or transmittal letter)
CPA	Closure Plan has been examined and approved by the responsible agency (obtain a copy of the approval letter)
CPI	Approved Closure Plan submitted to the EPA is now being implemented
CC	The facility has completed closure in a manner acceptable to the responsible agency and in accordance with the Closure Plan (obtain a copy of the certification letter)

Note: Anytime a closure status code is used, a verification code is required.

<u>Verification Code</u>	<u>Usage</u>
F	Verified by field inspection
R(#)	Verified by review of a document; use List of Documents (see p.F-1) to supply document number in parentheses
I(#)	Verified by interview; use List of Site Contacts (see p.E-1) to supply interviewee number in parentheses

Example No. 1: Y. R(2); the answer to the question is affirmative and was verified by reviewing site document number 2.

Example No. 2: N. I(1); the answer to the question is negative and was verified by interviewee number 1.

PRC Inspector(s) Tom Hahne & Noel Simmons  
Inspection Date: March 12, 1986

RCRA Site I.D. ILD 981 093 628

**ANSWER AND  
VERIFICATION  
CODE**

**INSPECTION QUESTIONNAIRE**

- 1) Is this facility presently owned or operated  
by (owner-Van Tran Electric Corporation /operator-Same)?

Y, I (1,4)

Yes - Skip to question 3.

No - Write the name of the present owner below and  
continue to the next question.

Name of the present owner \_\_\_\_\_  
\_\_\_\_\_

- 2) Was a revised Part A application sent to the U.S. EPA 90 days  
prior to the change of ownership/operator?

NA

Yes - In the space provided below, write the name of the  
person who signed the Part A owner/operator certification  
and the date signed (this information is found on page(s)  
4 of 5 of the application).  
Skip to question 4.

No - Skip to question 4.

Owner Certification was signed by \_\_\_\_\_  
on \_\_\_\_ - \_\_\_\_ - \_\_\_\_.

Operator Certification was signed by \_\_\_\_\_  
on \_\_\_\_ - \_\_\_\_ - \_\_\_\_.

- 3) Is the most recent Part A application in your possession certified  
by (\_\_\_\_\_) and signed on (\_\_\_\_\_)?

NA

Yes - Continue to the next question.

No - In the space provided below, write the name of the person  
who certified the most recent Part A and the date signed.  
Obtain a copy of the most recent Part A, then continue to  
the next question.

Owner Certification was signed by \_\_\_\_\_  
on \_\_\_\_ - \_\_\_\_ - \_\_\_\_.

Operator Certification was signed by \_\_\_\_\_  
on \_\_\_\_ - \_\_\_\_ - \_\_\_\_.

Remark: The facility never filed a Part A Application

PRC Inspector(s) Tom Hahne & Noel Simmons  
Inspection Date: March 12, 1986

RCRA Site I.D. ILD 981 093 628

- 4) Is hazardous waste presently generated, disposed of, stored, treated, or received at this facility? Y, I (4)

Yes - Continue to next question.

No - In the space provided below, list the status of any closed hazardous waste operations, obtain a copy of all pertinent closure documents, and visit the closed units; then skip to question 16.

<u>General Description of Unit Process</u>	<u>U.S.EPA Process Code</u>	<u>Closure Status</u>
_____	( )	_____
_____	( )	_____
_____	( )	_____
_____	( )	_____
_____	( )	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Remarks: The facility is a small quantity generator of F001 and F003 wastes.

VanTran has a small quantity generator's permit: Illinois Small Quantity

Generator's Permit No. 0510350004.

RCRA Site I.D. ILD 981 093 628Y. I (1.4)

No - Continue to the next question.

Remarks: \_\_\_\_\_



PRC Inspector(s) Tom Hahne & Noel Simmons  
Inspection Date: March 12, 1986

RCRA Site I.D. ILD 981 093 628

- 6) Is hazardous waste being generated at this facility?

Y, I (1.4)

Yes - Continue to the next question.

No - Continue to the next question.

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 7) In the past, was hazardous waste other than those listed in  
Question No. 6 generated at this facility?

Y, I (2)

Yes - Continue to next question.

No - Continue to next question

Remarks: According to Mr. Smith, Van Tran generated PCBs before 1980.  
\_\_\_\_\_  
\_\_\_\_\_

PRC Inspector(s) Tom Hahne & Noel Simmons  
Inspection Date: March 12, 1986

RCRA Site I.D. ILD 981 093 628

- 8) Is hazardous waste being stored in surface impoundments (S04) or waste piles (S03) at this facility? N, I (4)

Yes - In the space provided below, list storage unit currently being used and EPA process codes; continue to the next question.

No - Continue to the next question.

<u>General Description of Waste Storage Unit</u>	<u>EPA Process Code</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PRC Inspector(s) Tom Hahne & Noel Simmons  
Inspection Date: March 12, 1986

RCRA Site I.D. ILD 981 093 628

- 9) In the past, was hazardous waste stored in surface impoundments (S04) or waste piles (S03) other than those listed in Question No. 8 at this facility?

N, I (4)

Yes - In the space provided below, list inactive storage waste units, EPA process codes, and closure status. Obtain pertinent closure documents and inspect storage units. Continue to the next question.

No - Continue to the next question.

<u>General Description of Waste Storage Unit</u>	<u>U.S.EPA Process Code</u>	<u>Closure Status</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PRC Inspector(s) Tom Hahne & Noel Simmons  
Inspection Date: March 12, 1986

RCRA Site I.D. ILD 981 093 628

- 10) Is hazardous waste being treated in surface impoundments (T02) N, I (4)  
at this facility?

Yes - In the space provided below, list the active surface  
impoundments and indicate whether or not the end product  
is considered hazardous by the facility. Continue to  
the next question.

No - Continue to the next question.

Active Impoundments

Hazardous End Product  
(Yes or No)

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PRC Inspector(s) Tom Hahne & Noel Simmons  
Inspection Date: March 12, 1986

RCRA Site I.D. ILD 981 093 628

- 11) In the past, was hazardous waste treated in surface impoundments (T02) at this facility other than those listed in Question No. 10?

Y, I (4)

Yes - Complete the information requested below; list the inactive surface impoundments and indicate whether or not the end product is considered hazardous by the facility; obtain pertinent closure documents; and inspect the closed units.  
Continue to next question.

No - Continue to next question.

<u>Inactive Impoundments</u>	<u>Hazardous End Product</u> (Yes or No)	<u>Closure Status</u>
<u>T02</u>	<u>N</u>	<u>CPS</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

Remarks: This unit was operated as an evaporation pond. Sludges were  
removed from unit, according to Mr. Steve Parke.

PRC Inspector(s) Tom Hahne & Noel Simmons  
Inspection Date: March 12, 1986

RCRA Site I.D. ILD 981 093 628

12) Are hazardous wastes being shipped from this site?

Y, I (4)

Yes - Complete the information requested below; obtain  
a copy of the first manifest after the closure of the  
land-based waste management unit(s) (if available);  
skip to question 14.

No - Continue to the next question.

<u>Type of Wastes</u>	<u>First Shipping Date</u>	<u>Manifest Availability</u> (Yes or No)
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>

Remarks: This facility is a small quantity generator. According to Mr. Parke,  
site has not accumulated the allotted 2200 lbs of waste and has consequently not  
shipped any waste off-site.

PRC Inspector(s) Tom Hahne & Noel Simmons  
Inspection Date: March 12, 1986

RCRA Site I.D. ILD 981 093 628

- 13) In the past, was hazardous waste other than those listed in Question No. 12 shipped from this site? Y, I (4)

Yes - Complete the information requested below; obtain a copy of the first manifest after closure of the land-based waste management unit(s) and the last manifest (if available); and continue to the next question.

No - Continue to the next question.

<u>Type of Wastes</u>	<u>First Shipping Date</u>	<u>Last Shipping Date</u>	<u>Manifest Availability (Yes or No)</u>
<u>PCBs</u>	<u>June 28, 1976</u>	<u>NA</u>	<u>Y</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>

Remarks: Mr. Steve Parke said wastes were shipped off-site as a one-time shipment.

PRC Inspector(s) Tom Hahne & Noel Simmons  
Inspection Date: March 12, 1986

RCRA Site I.D. ILD 981 093 628

- 14) Is hazardous waste being disposed of in landfills (D80),  
disposed of in surface impoundments (D83), or being land  
applied (D81) at this facility?

NA

Yes - In the space provided below, list the active disposal units  
and EPA process code; continue to the next question.

No - Continue to the next question.

<u>Active Disposal Units</u>	<u>U.S. EPA Process Code</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



PRC Inspector(s) Tom Hahne & Noel Simmons  
Inspection Date: March 12, 1986

RCRA Site I.D. ILD 981 093 628

- 15) In the past, was hazardous waste land applied (D81) or disposed of in landfills (D80), or in surface impoundments (D83), other than those listed in Question No. 14, at this facility? N, I (4)

Yes - In the space below, list the inactive (closed) disposal units, U.S. EPA process codes and closure status. Obtain pertinent closure documents and inspect the closed units; continue to the next question.

No - Continue to the next question.

<u>Inactive Disposal Units</u>	<u>U.S. EPA Process Code</u>	<u>Closure Status</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PRC Inspector(s) Tom Hahne & Noel Simmons  
Inspection Date: March 12, 1986

RCRA Site I.D. ILD 981 093 628

16) Did this facility submit a Part B application? N, I (4)

Yes - Continue to the next question.

No - Continue to the next question.

17) Is this facility aware of the loss of interim status (LOIS) provision? N, I (4)

Yes - Skip to question 20.

No - Briefly explain what the LOIS provision provides and how it applies to this facility, then continue to the next question.

18) Did this facility receive a 3007 request letter from the U.S. EPA? (Show an example of the request letter) N, I (4)

Yes - Continue to the next question.

No - No more questions

19) Did this facility respond to this request letter? NA

Yes - Obtain a copy of the response. No more questions.

No - No more questions.

20) Did this facility submit a LOIS certification? N, I (4)

Yes - Obtain a copy of the certification and transmittal letters, no more questions required.

No - Back up to question 18.

Remarks: According to Steve Parke, Van Tran Electric will be sending a  
LOIS Certification Letter to Region V.





U.S. ENVIRONMENTAL PROTECTION AGENCY  
NOTIFICATION OF HAZARDOUS WASTE

Site ID Number ILD 981 093 628  
Document No. 1

NAME OF INSTALLATION  
ADDRESS  
CITY OR TOWN  
STATE  
ZIP CODE

CODE 2  
SMALL QUANTITY GENERATOR  
RECEIVED  
SEP 24 1985  
SWB AND  
U.S. EPA REGION V  
COPY

through it and supply the correct information in the appropriate section below. If the label is complete and correct, leave items I, II, and III below blank. If you did not receive a proper label, complete all items. "Installation" means place and where hazardous waste is generated, stored, moved and/or disposed of, or a firm's principal place of business. Please refer to the INSTRUCTIONS FOR FILING NOTIFICATION before completing this form. The information requested herein is required by the Section 309(a) of the Resource Conservation and Recovery Act.

FOR OFFICIAL USE ONLY

COMMENTS

INSTALLATION'S EPA ID NUMBER  
FILED 981 093 628  
APPROVED  
DATE RECEIVED  
850924

I. NAME OF INSTALLATION  
VAN TRAN ELECTRIC CORP.

II. INSTALLATION MAILING ADDRESS  
STREET OR P.O. BOX  
1505 VAN TRAN AVE.

CITY OR TOWN  
VANDALIA  
STATE  
IL  
ZIP CODE  
62471

III. LOCATION OF INSTALLATION  
STREET OR ROUTE NUMBER  
1505 VAN TRAN AVE.

CITY OR TOWN  
VANDALIA  
STATE  
IL  
ZIP CODE  
62471

IV. INSTALLATION CONTACT  
NAME AND TITLE (last, first & job title)  
PARKE STEVE COMPLIANCE OFFER  
PHONE NO. (area code & no.)  
817 772 9740

V. OWNERSHIP  
NAME OF INSTALLATION'S LEGAL OWNER  
VAN TRAN ELECTRIC CORP.

VI. TYPE OF HAZARDOUS WASTE ACTIVITY (check "X" in the appropriate box(es))  
FEDERAL  
NON-FEDERAL  
GENERATION  
TRANSPORTATION (complete form EPC)  
SMALL QUANTITY GENERATOR  
UNDERGROUND INJECTION

VII. MODE OF TRANSPORTATION (check "X" in the appropriate box(es))  
A. AIR  
B. RAIL  
C. HIGHWAY  
D. WATER  
E. OTHER (specify)

VIII. FIRST OR SUBSEQUENT NOTIFICATION  
NAME "X" in the appropriate box to indicate whether this is your installation's first notification of hazardous waste activity or a subsequent notification. If this is not your first notification, enter your installation's EPA ID Number in the space provided below.  
FIRST NOTIFICATION

IX. DESCRIPTION OF HAZARDOUS WASTE  
Please use a number of the form and...

ATTACHMENT A

ATTACHMENT A

**SECTION 1: LIST OF HAZARDOUS WASTES (continued from front)**

Enter the four-digit number from 40 CFR Part 261.22 for each listed hazardous waste from your facility location. Use additional sheets if necessary.

F001  
1 2 3 4

F003  
1 2 3 4

F005  
1 2 3 4

1 2 3 4

1 2 3 4

1 2 3 4

**SECTION 2: LIST OF HAZARDOUS WASTES FROM SPECIFIC SOURCES** Enter the four-digit number from 40 CFR Part 261.22 for each listed hazardous waste from your facility location. Use additional sheets if necessary.

1 2 3 4  
5 6 7 8  
9 10 11 12

1 2 3 4  
5 6 7 8  
9 10 11 12

1 2 3 4  
5 6 7 8  
9 10 11 12

1 2 3 4  
5 6 7 8  
9 10 11 12

1 2 3 4  
5 6 7 8  
9 10 11 12

1 2 3 4  
5 6 7 8  
9 10 11 12

**SECTION 3: LIST OF HAZARDOUS WASTES FROM SPECIFIC SOURCES** Enter the four-digit number from 40 CFR Part 261.22 for each listed hazardous waste from your facility location. Use additional sheets if necessary.

1 2 3 4  
5 6 7 8  
9 10 11 12

1 2 3 4  
5 6 7 8  
9 10 11 12

1 2 3 4  
5 6 7 8  
9 10 11 12

1 2 3 4  
5 6 7 8  
9 10 11 12

1 2 3 4  
5 6 7 8  
9 10 11 12

1 2 3 4  
5 6 7 8  
9 10 11 12

**SECTION 4: LIST OF HAZARDOUS WASTES** Enter the four-digit number from 40 CFR Part 261.22 for each listed hazardous waste from your facility location. Use additional sheets if necessary.

1 2 3 4

1 2 3 4

1 2 3 4

1 2 3 4

1 2 3 4

1 2 3 4

**SECTION 5: CHARACTERISTICS OF NON-LISTED HAZARDOUS WASTES** Mark "X" in the boxes corresponding to the characteristics of non-listed hazardous waste from your facility location. Use 40 CFR Part 261.22 - 261.24.

☐ CORROSIVE

☐ FLAMMABLE

☐ REACTIVE

☐ TOXIC

**SECTION 6: CERTIFICATION**

I hereby certify under penalty of law that I have personally examined and am familiar with the information submitted by this and all other documents and contained in my knowledge of those individuals responsible for obtaining the information. I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

SIGNATURE

NAME & OFFICIAL TITLE (type or print)

DATE SIGNED

Steve Parke

Steve Parke - Compliance Officer

9-18-85



ACKNOWLEDGEMENT OF NOTIFICATION  
OF HAZARDOUS WASTE ACTIVITY  
(VERIFICATION)

This is to acknowledge that you have filed a Notification of Hazardous Waste Activity for the installation located at the address shown in the box below to comply with Section 3010 of the Resource Conservation and Recovery Act (RCRA). Your EPA Identification Number for that installation appears in the box below. The EPA Identification Number must be included on all shipping manifests for transporting hazardous wastes; on all Annual Reports that generators of hazardous waste, and owners and operators of hazardous waste treatment, storage and disposal facilities must file with EPA; on all applications for a Federal Hazardous Waste Permit; and other hazardous waste management reports and documents required under Subtitle C of RCRA.

EPA I.D. NUMBER

•ILD981093628

INSTALLATION ADDRESS

VAN TRAN ELECTRIC CORP  
1505 VAN TRAN AVE  
VANDALIA

IL 62471

1505 VAN TRAN AVE  
VANDALIA

IL 62471

# Attachment 1

16

## M E M O R A N D U M

DATE: May 15, 1986  
TO: Rama Chaturvedi - DLPC - Permit Section  
FROM: Mike Grant<sup>MDG</sup> - DLPC - Collinsville  
SUBJECT: Facility Management Plan for Van Tran Electric Corporation

MAY 16 1986

### 3. No Complaints

4. <u>Date</u>	<u>Inspector</u>	<u>Conclusions</u>
11/12/75	USEPA-TOSCA	Methods of handling PCB's inadequate
8/10/81	USEPA-Contractor (TOSCA)	Failure to develop and maintain records of the disposition of PCB's (40 CFR 761.45(a), PCB containers (Tanks) were not marked (40 CFR 761.20)
5/30/85	State	Inspection scheduled this date, however upon arrival access was denied.
6/3/85	State	ISS Inspection and CERCLA Clean Illinois Inspection. Violations found - 703.150(a), 722.111, 722.112, 722.120, 722.130, 725.111, 725.113, 725.114, 725.115, 725.116, 725.117, 725.131, 725.132, 725.133, 725.134, 725.137, 725.151, 725.155, 725.173, 725.174, 725.175, 725.212(a), 725.242(a), 725.322, 725.326, 725.329, The Act - 12(a)&(f), 21(a)&(f). Also samples collected and photographs taken. Sample results revealed releases of PCB's had occurred in violation of CERCLA.
10/3/85	State-Multi-Media Inspection	ISS Inspections - Violations Found - 703.150(a), 722.111, 725.113, 725.114, 725.115, 725.116, 725.133, 725.137, 725.151, 725.155, 725.173, 725.212, 725.242, 725.274, 725.328(c), 725.329. Samples collected and photographs taken.
1/7/86	State	Off-site samples collected to determine PCB migration

FMP  
Van Tran Electric Corp.

May 15, 1986

Subpart F Inspection

<u>Date</u>	<u>Inspector</u>	<u>Conclusions</u>
6/3/85	State	All Subpart F violations charged as a result of disposal lagoon observed during ISS Inspection.
12/16/85	State&AGO	Meeting held to discuss Van Tran's progress toward response actions. Subpart F inspection claimed for FY86. All Subpart F violations continue
5. No		However, PCB contamination shown in areas other than the surface impoundment.
6. Yes		July 16, 1985 Memorandum - Samples of stormwater run-off ditch east of main building showed PCB contamination. Also, no vegetation growing in area north of shed where empty drums were being stored.
7. No		Inspection Reports do not indicate the presence of underground tanks. However, field notes taken during the October 3, 1985 inspection reveal the presence of 2 underground tanks. One 1,000 gallon diesel storage tank and one 500 gallon gasoline storage tank.

MDG:jlrr/0079L

cc: LPC - Collinsville  
cc: Linda Kissinger

MAY 16 1986



34 Attachment 3

RECEIVED  
MAY 13 1986

IN THE CIRCUIT COURT FOR THE FOURTH JUDICIAL CIRCUIT  
FAYETTE COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS and  
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,

Plaintiffs,

vs.

VAN TRAN ELECTRIC CORP.,  
a Delaware corporation,

Defendant.

NOTICE

TO: Mr. Gregory H. Wolk  
Tockman, Laderman, & Wolk  
411 North 7th Street, Suite 1415  
St. Louis, Missouri 63101

PLEASE TAKE NOTICE that we have today mailed for filing  
the attached COMPLAINT FOR PRELIMINARY AND PERMANENT INJUNCTION  
AND OTHER RELIEF, a copy of which is served upon you.

Pursuant to Section 31(a) of the Illinois Environmental  
Protection Act, Ill. Rev. Stat. 1983, ch. 111 1/2, par. 1031(a),  
you are further notified that financing may be available through  
the Illinois Environmental Facilities Financing Act (Ill. Rev.

RECEIVED  
ENFORCEMENT PROGRAMS

JAN 24 1986

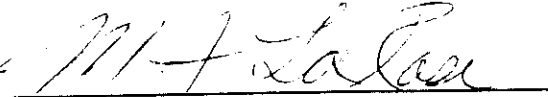
Environmental Protection Agency

Stat. 1983, ch. 127, par. 721 et seq.) to correct the violations alleged.

PEOPLE OF THE STATE OF ILLINOIS  
and the ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

BY: NEIL F. HARTIGAN  
ATTORNEY GENERAL

BY:



Mark A. LaRose  
Assistant Attorney General  
Environmental Control Division

MARK A. LAROSE  
Assistant Attorney General  
Environmental Control Division  
500 South Second Street  
Springfield, IL 62706  
217/782-9031

Dated: January 21, 1986

RECEIVED  
MAY 13 1986

IN THE CIRCUIT COURT FOR THE FOURTH JUDICIAL CIRCUIT  
FAYETTE COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS and  
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,

Plaintiffs,

-vs-

VAN TRAN ELECTRIC CORP.,  
a Delaware corporation,

Defendant.

No. 86 CH 3

COMPLAINT FOR PRELIMINARY AND PERMANENT  
INJUNCTION AND OTHER RELIEF

Plaintiffs, PEOPLE OF THE STATE OF ILLINOIS and  
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, by their attorney,  
Neil F. Hartigan, Attorney General of the State of Illinois,  
hereby complain of Defendant, VAN TRAN ELECTRIC CORP., and in  
support of this Complaint, state as follows:

COUNT I

STATE SUPERFUND

1. This action is brought on behalf of the  
Plaintiffs, PEOPLE OF THE STATE OF ILLINOIS and the ILLINOIS  
ENVIRONMENTAL PROTECTION AGENCY (hereinafter the "Agency"),  
pursuant to the provisions of §42 of the Environmental  
Protection Act (hereinafter the "Act"), Ill. Rev. Stat. 1983,  
ch. 111 1/2, par. 1042, authorizing the Illinois Attorney  
General to bring actions to enforce the provisions of the Act,

and the rules and regulations of the Illinois Pollution Control Board (hereinafter the "Board"), and pursuant to §22.2 of the Act, Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 1022.2.

2. Pursuant to §31(a) of the Act, on June 24, 1985, the Agency notified the Defendant in writing of specific violations of the Act and Board regulations, and of the Plaintiffs' intent to bring this enforcement action. In that correspondence, pursuant to §31(d) of the Act, the Agency afforded Defendant an opportunity to meet with Plaintiff's personnel to discuss certain violations which led to the filing of this Complaint.

3. Pursuant to §31(d) of the Act and the enforcement notice referenced in paragraph (2) above, a preenforcement conference was conducted by the Agency and the Defendant on July 23, 1985.

4. Defendant, VAN TRAN ELECTRIC CORP. (hereinafter "Van Tran") is a Delaware corporation, and became licensed to do business in Illinois as of March 10, 1964. Defendant's facility is located at 1505 Van Tran Avenue, Vandalia, Fayette County, Illinois. The Defendant's registered agent is Shirley Bolin, Route 40, Vandalia, Illinois 62471.

5. Defendant's facility is an electrical transformer manufacturing and reconditioning operation. Van Tran's

facility includes two main buildings and two smaller buildings, and three outdoor tanks used for storage of transformer oil, said tanks having respective capacities of 575 gallons, 6,000 gallons and 8,000 gallons. Another outdoor tank with a capacity of 1,500 gallons stores used transformer oil, and is equipped with a separation unit used to remove water from the oil. One of the buildings on Defendant's facility is a paint spray booth used to paint both newly manufactured and reconditioned transformers.

6. Section 3(yy) of the Act, Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 1003(yy), provides:

yy. "Hazardous substance" means: (A) any substance designated pursuant to Section 311(b)(2)(A) of the Federal Water Pollution Control Act (P.L. 92-500), as amended, (B) any element, compound, mixture, solution, or substance designated pursuant to Section 102 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (P.L. 96-510), as amended, (C) any hazardous waste, (D) any toxic pollutant listed under Section 307(a) of the Federal Water Pollution Control Act (P.L. 92-500), as amended, (E) any hazardous air pollutant listed under Section 112 of the Clean Air Act (P.L. 95-95), as amended, (F) any imminently hazardous chemical substance or mixture with respect to which the Administrator of the U. S. Environmental Protection Agency has taken action pursuant to Section 7 of the Toxic Substances Control Act (P.L. 94-469), as amended. The term does not include petroleum, including crude oil or any fraction

thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel or mixtures of natural gas and such synthetic gas.

7. On or about April 1975, approximately 14,000 gallons of transformer oil containing polychlorinated biphenols (hereinafter "PCBs") were released from on-site storage tanks and allowed to flow freely upon the ground and into on-site drainage ditches. Soil samples collected by the Agency on April 6, 1975 revealed that the drainage ditch on Defendant's property (at the site) contained 1,500 parts per million (ppm) PCBs. The drainage ditch on Defendant's property flows into Town Branch Creek, which flows through City Park in Vandalia and into the Kaskaskia River.

8. A soil sample taken from the site by the Agency on June 3, 1985 revealed that the soil adjacent to and northwest of the main building on site contained 221 parts per million (ppm) PCBs.

9. On January 7, 1986 Agency personnel conducted sampling of soil in the area of Defendant's facility and of stream sediment in tributaries downstream of Defendant's

facility. These samples were analyzed for PCBs, with concentrations above detectable limits found as follows:

<u>Location</u>	<u>Concentration of PCBs Parts per Million</u>
Stream sediment from Town Branch Creek at a location approximately 50 yards north of the City Park in Vandalia, which was also just north of where a set of railroad tracks cross Town Branch Creek (Sample No. 05).	.090
Stream sediment from Town Branch Creek at a location approximately 100 yards north of the City Park in Vandalia (Sample NO. 06).	.100
Soil from the highway drainage ditch area on the north side of Route 40 at a location just east of Van Tran Electric Corporation's facility, which was also at the front of the facilities of an adjoining business known as Ray's Excavating (Sample No. 08).	260.
Soil from the highway drainage ditch area on the north side of Route 40 at a location just west of Van Tran Electric Corporation's facility, which was also at the front of the facilities of an adjoining business known as Benner-Nauman & Company (Sample No. 09).	.130

10. PCBs are carcinogenic and are acutely and chronically toxic through oral and dermal exposure. Among the toxic effects of PCBs are chloracne and liver atrophy with preceding nausea, vomiting, loss of weight, jaundice, edema and abdominal pain. PCBs are extremely persistent and bio-accumulate in human and animal organisms, with biomagnification of concentrations in the food chain, so that even low levels in the environment can ultimately result in toxic effects.

11. Polychlorinated biphenyl (PCB) is a hazardous substance pursuant to §1003 (yy) of the Act, in that it is an

... imminently hazardous chemical substance or mixture with respect to which the administrator of the United States Environmental Protection Agency has taken action pursuant to §7 of the Toxic Substances Control Act ...

12. Section 3(ww) of the Act, Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 1003(ww), defines "release" as:

... any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, but excludes (A) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assent against the employer of such persons ..."

13. The spilling or pouring of the approximately 14,000 gallons of PCB contaminated transformer oil in 1975, as described in paragraph 7 above, constitutes a release within the meaning of §3(ww) of the Act.

14. Section 22.2 of the Act, Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 1022.2, creates the "Hazardous Waste Fund", which is part of the Illinois "Superfund" program pursuant to 35 Ill. Adm. Code, Part 750.

15. The purpose and objective of the Illinois "Superfund" program, as stated in 35 Ill. Adm. Code 750.101, is to effectuate the taking of preventative or corrective action,



pursuant to the Act, that is necessary whenever there is a release or substantial threat of a release of a hazardous substance.

16. Section 22.2(f) of the Act, Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 1022.2(f) provides in pertinent part:

f. Notwithstanding any other provision or rule of law, and subject only to the defenses set forth in subsection (j) of this Section, the following persons shall be liable for all costs of removal or remedial action incurred by the State of Illinois as a result of a release or substantial threat of a release of a hazardous substance:

1. The owner and operator of a facility or vessel from which there is a release or substantial threat of release of a hazardous substance;
2. Any person who at the time of disposal, transport, storage or treatment of a hazardous substance owned or operated the facility or vessel used for such disposal transport, treatment or storage from which there was a release or substantial threat of a release of any such hazardous substance:

\*

\*

\*

17. Defendant, as past and present owner and operator of the site from which there was a release of hazardous substances, and from which there remains a substantial threat of further release of hazardous substances, is liable pursuant

to §22.2(f) of the Act, Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 1022.2(f), for all costs of removal or remedial action regarding the release of hazardous substances.

18. As the result of the release of hazardous substances at the site, the State of Illinois has incurred expenses, including but not limited to inspection costs, sampling and analysis costs, and the costs incurred in bringing this lawsuit.

19. Pursuant to §4(q) of the Act, Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 1004(q), on October 26, 1985, the IEPA issued notice to the Defendant that it may be a responsible party pursuant to §22.2(f) of the Act, Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 22.2(f), such notice containing a statement of the identified response action to be taken by the Defendant, or by the State in the event the Defendant failed to do so. Said notice also stated that if the Defendant failed to comply with the provisions of the identified response action as set forth in the notice, such failure may subject the Defendant to liability for punitive damages in the amount of three times the amount of any costs incurred by the State as a result of such failure.

20. Since October 26, 1985 the Defendant has been given repeated opportunities to voluntarily undertake the

identified response action as set forth in the October 26, 1985 notice.

21. To date, with the exception of designating a project coordinator on December 9, 1985, the Defendant has failed and/or refused to take any response action identified in the notice issued by the IEPA on October 26, 1985, and has instead chosen to file suit against the Agency.

22. Due to the Defendant's failure and/or refusal to take any response action identified in the notice issued by the Agency on October 26, 1985, the Agency has determined that it is necessary and appropriate for it to expend funds pursuant to §§4 and 22.2 of the Act, Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, pars. 1004 and 1022.2, to undertake and accomplish said response action.

23. Unless this Court grants the Agency access to the Defendant's property to undertake at State expense the identified response action set forth in the notice issued by the Agency on October 26, 1985, the past releases and substantial threat of continuing releases of hazardous substances as alleged in this Court will continue to occur, and substantial endangerment to the environment and to the public health will continue to occur.

24. The Defendant's violations of the Act as alleged

in this Count, have and continue to cause a substantial danger to the environment and irreparable injury to the Plaintiffs.

25. The Plaintiffs need not prove inadequate remedy at law, since §§ 42 and 43 of the Act expressly authorize an injunction to enforce the provisions of the Act.

WHEREFORE, the People of the State of Illinois and the Illinois Environmental Protection Agency respectfully pray that This Honorable Court grant the following relief:

- A. Set a prompt hearing for a preliminary injunction, and after the hearing, enter a preliminary injunction allowing and granting the Agency access to the Defendant's property pursuant to §§ 4(d) and 22.2 of the Act, Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, pars. 1004(d) and 1022.2, for the purpose of accomplishing a remedial investigation and feasibility study and removal or remedial action regarding the past release of hazardous substances and continued threat of release of hazardous substances, as alleged in this Count, including those response actions identified in the October 26, 1985 notice issued by the Agency.
- B. Enter a final order and permanent injunction finding the Defendant liable, pursuant to

§22.2(f) of the Act, for the past release and substantial threat of further release of hazardous substances as alleged in this Count, and ordering the Defendant to reimburse all costs of removal and remedial action incurred or which may be incurred by the State as a result of said releases, such removal or remedial action to include but not be limited to the conducting of a remedial investigation and feasibility study and undertaking those response actions identified in the October 26, 1985 notice issued by the Agency;

- C. Enter a final order pursuant to §22.2(k) of the Act imposing upon the Defendant punitive damages in an amount at least equal to, and not more than three times, the amount of any costs incurred by the State of Illinois as a result of the Defendant's failure to take removal or remedial action regarding past releases of hazardous waste at the site;
- D. Enter an order pursuant to §42 of the Act, imposing upon Defendant a civil penalty not to exceed \$10,000 for each violation of the Act alleged in this Count, as well as an additional civil penalty of \$1,000 for each day said violations have continued;

- E. Pursuant to §42(f) of the Act, award the costs of this action, including reasonable attorneys fees and costs of expert witnesses to the Attorney General; and
- F. Grant such other and further relief as the Court shall deem appropriate under the circumstances.

COUNT II

STATE SUPERFUND

1-6. Plaintiffs reallege and incorporate by reference paragraphs 1 through 6 of Count I as paragraphs 1 through 6 of this Count II.

7. Section 22.2 of the Act, Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 1022.2, creates the "Hazardous Waste Fund," which is part of the Illinois "Superfund" program pursuant to 35 Ill. Adm. Code, Part 750.

8. The purpose and objective of the Illinois "Superfund" program, as stated in 35 Ill. Adm. Code 750.101, is to effectuate the taking of preventative or corrective action, pursuant to the Act, that is necessary whenever there is a release or substantial threat of a release of a hazardous substance.

9. Section 3(w) of the Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 1003(w), defines "release" as:

... any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting,

escaping, leaching, dumping, or disposing into the environment, but excludes (A) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons ...

10. The Defendant presently utilizes at its facility various solvents, including, but not limited to, benzene, toluene, xylene, and methyl ethyl ketone. These solvents are used to clean various paint spraying equipment, and are stored at the site in 55 gallon drums prior to use.

11. From a date better known only to the Defendant and continuing at least until June 3, 1985, the Defendant disposed of spent solvents, including but not limited to those listed in paragraph 10 above, as well as other substances containing polychlorinated biphenyls (PCBs) by dumping said solvents and substances into an unlined, bermed surface impoundment on the site.

12. On June 3, 1985 Agency personnel conducted an inspection of Defendant's facility. Soil and liquid samples were taken from the surface impoundment described in paragraph 11 above.

13. The lab analysis results of the samples described in paragraph 12 above are as follows:

Substance	Location	Concentration (Parts Per Million)
PCBs	Soil and liquid from unlined, bermed surface impoundment north of site buildings.	162
Benzene	Liquid from unlined, bermed surface impoundment north of site buildings.	6
Lead	Liquid from unlined, bermed surface impoundment north of site buildings.	55
Lead	Soil and liquid from unlined, bermed surface impoundment north of site buildings.	25
Methyl Ethyl Ketone	Liquid from unlined, bermed surface impoundment north of site buildings.	21,000
Methyl Ethyl Ketone	Soil and liquid from unlined, bermed surface impoundment north of site buildings.	4,000
Toluene	Liquid from unlined, bermed surface impoundment north of site buildings.	37,000
Toluene	Soil and liquid from unlined, bermed surface impoundment north of site buildings.	620
Xylenes	Liquid from unlined, bermed surface impoundment north of site buildings.	25,000
Xylenes	Soil and liquid from unlined, bermed surface impoundment north of site buildings.	35,000

14. A soil sample taken from the site by the Agency on June 3, 1985 revealed that the soil adjacent to and northwest of the main building on site contained 221 parts per million (ppm) PCBs.



15. On January 7, 1986 Agency personnel conducted sampling of soil in the area of Defendant's facility and of stream sediment in tributaries downstream of Defendant's facility. These samples were analyzed for PCBs, with concentrations above detectable limits found as follows:

<u>Location</u>	<u>Concentration of PCBs Parts per Million</u>
Stream sediment from Town Branch Creek at a location approximately 50 yards north of the City Park in Vandalia, which was also just north of where a set of railroad tracks cross Town Branch Creek (Sample No. 05).	.090
Stream sediment from Town Branch Creek at a location approximately 100 yards north of the City Park in Vandalia (Sample NO. 06).	.100
Soil from the highway drainage ditch area on the north side of Route 40 at a location just east of Van Tran Electric Corporation's facility, which was also at the front of the facilities of an adjoining business known as Ray's Excavating (Sample No. 08).	260.
Soil from the highway drainage ditch area on the north side of Route 40 at a location just west of Van Tran Electric Corporation's facility, which was also at the front of the facilities of an adjoining business known as Benner-Nauman & Company (Sample No. 09).	.130

16. 35 Ill. Adm. Code 721.131 identifies as hazardous wastes various spent solvents, including but not limited to xylene, identified as F003 waste, and toluene and methyl ethyl ketone, both identified as F005 wastes.

17. §3(j) of the Act, Ill .Rev. Stat. 1983, ch. 111 1/2 §1003(j), defines "hazardous waste" as any waste which poses:

... a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, or disposed of, or otherwise managed, and which has been identified, by characteristic or listing, as hazardous pursuant to Board regulations.

18. Benzene is a carcinogen and is highly toxic. Exposure to benzene may result in narcosis, blood chemistry changes, fatigue, anorexia, and central nervous system disorders. Exposure to benzene also causes an enhancement of mammary carcinomas (breast cancers) and leukemia.

19. Lead is a cumulative poison which can effect the central nervous system and normal blood function. Lead poisoning may damage organs and tissues, cause neuromuscular disorders, and may be carcinogenic.

20. Toluene is moderately toxic by ingestion, inhalation and skin absorption. Exposure by inhalation can cause headaches, nausea, loss of appetite, and impairment of coordination.

21. Methyl ethyl ketone is moderately toxic by ingestion, and can effect the peripheral and central nervous systems upon ingestion. It is also a strong irritant and can

cause external irritation upon dermal contact. Methyl ethyl ketone also poses a dangerous fire hazard when exposed to heat or flame.

22. Xylene can cause irritation of the eyes, nose and throat. Repeated or prolonged skin contact can cause drying and defatting of the skin which can lead to dermatitis. Liquid xylene is irritating to the eyes and mucous membranes, and aspiration of a few milliliters can cause chemical pneumonitis, pulmonary edema, and hemorrhage. The central nervous system, eyes, gastrointestinal tract, blood, liver, kidneys and skin are the points of the body attacked.

23. Toluene, methyl ethyl ketone, and xylene are hazardous wastes pursuant to §3(j) of the Act, Ill. Rev. Stat. 1983, ch. 111 1/2, par. 1003(j).

24. PCBs are carcinogenic and are acutely and chronically toxic through oral and dermal exposure. Among the toxic effects of PCBs are chloracne and liver atrophy with preceding nausea, vomiting, loss of weight, jaundice, edema and abdominal pain. PCBs are extremely persistent and bio-accumulate in human and animal organisms, with biomagnification of concentrations in the food chain, so that even low levels in the environment can ultimately result in toxic effects.

25. Toluene, methyl ethyl ketone, and xylene are hazardous substances pursuant to §3(yy) of the Act, Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 1003(yy), in that they are hazardous wastes, PCB is a hazardous substance pursuant to §3(yy) of the Act, Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 1003(yy), in that it is an "... imminently hazardous chemical substance ... with respect to which the administrator of the U. S. Environmental Protection Agency has taken action pursuant to §7 of the Toxic Substances Control Act ...", and lead and benzene are hazardous substances pursuant to §3(yy) of the Act, Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 1003(yy), in that they are ..." toxic pollutants listed under §307(a) of the Federal Water Pollution Control Act."

26. Defendant's action in dumping various spent solvents and other materials containing PCBs, into the unlined, bermed surface impoundment, as alleged in paragraph 11 of this Count, constitutes a "release" of hazardous substances as the term is defined in §3(ww) of the Act, Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 1003(ww).

27. §22.2(f) of the Act, Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 1022.2(f), provides in pertinent part:

- f. Notwithstanding any other provision or rule of law, and subject only to the defenses set forth in subsection (j) of

this Section, the following person shall be liable for all costs of removal or remedial action incurred by the State of Illinois as a result of a release or substantial threat of a release of a hazardous substance:

1. The owner or operator of a facility or vessel from which there is a release or substantial threat of release of a hazardous substance;
2. Any person who at the time of disposal, transport, storage or treatment of a hazardous substance owned or operated the facility or vessel used for such disposal transport, treatment or storage from which there was a release or substantial threat of a release of any such hazardous substance:

\*

\*

\*

28. Defendant, as past and present owner and operator of the site from which there was a release of hazardous substances and from which there remains a substantial threat of of further release of hazardous substances, is liable pursuant to §22.2(f), of the Act, Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 1022.2(f) for all costs of removal or remedial action regarding the release of hazardous substances.

29. As the result of the releases of hazardous substances at the site, as alleged in this Count, the State of Illinois has incurred expenses, including but not limited to

inspection costs, sampling and analysis costs, and the costs incurred in bringing this lawsuit.

30. Pursuant to §4(q) of the Act, Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 1004(q), on October 26, 1985, the IEPA issued notice to the Defendant that it may be a responsible party pursuant to §22.2(f) of the Act, Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 1022.2(f), such notice containing a statement of the identified response action to be taken by the Defendant, or by the State in the event the Defendant failed to do so (the notice is attached hereto and incorporated by reference herein, and identified as Exhibit 1). Said notice also stated that if the Defendant failed to comply with the provisions of the identified response action as set forth in the notice, such failure may subject the Defendant to liability for punitive damages in the amount of three times the amount of any costs incurred by the State as a result of such failure.

31. Since October 26, 1985 the Defendant has been given repeated opportunities to voluntarily undertake the identified response action as set forth in the October 26, 1985 notice.

32. To date, with the exception of designating a project coordinator on December 9, 1985, the Defendant has

failed and/or refused to take any response action identified in the notice issued by the IEPA on October 26, 1985, and has instead chosen to file suit against the Agency.

33. Due to the Defendant's failure and/or refusal to take any response action identified in the notice issued by the Agency on October 26, 1985, the Agency has determined that it is necessary and appropriate for it to expend funds pursuant to §§4 and 22.2 of the Act, Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, pars. 1004 and 1022.2, to undertake and accomplish said response action.

34. Unless this Court grants the Agency access to the Defendant's property to undertake at State expense the identified response action set forth in the notice issued by the Agency on October 26, 1985, the past releases and substantial threat of continuing releases of hazardous substances as alleged in this Count will continue to occur, and substantial endangerment to the environment and to the public health will continue to occur.

35. The Defendant's violations of the Act as alleged in this Count, have and will cause a substantial danger to the environment, and irreparable injury to the Plaintiffs.

36. The Plaintiffs need not prove that their remedy at law is inadequate, since §§42 and 43 of the Act expressly authorize an injunction to enforce the provisions of the Act.

WHEREFORE, the People of the State of Illinois and the Illinois Environmental Protection Agency respectfully pray that This Honorable Court grant the following relief:

- A. Set a prompt hearing for a preliminary injunction, and after the hearing, enter a preliminary injunction allowing and granting the Agency access to the Defendant's property pursuant to §§4(d) and 22.2 of the Act, Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, pars. 1004(d) and 1022.2, for the purpose of accomplishing a remedial investigation and feasibility study and removal or remedial action regarding the past release of hazardous substances and continued threat of release of hazardous substances, as alleged in this Count, including those response actions identified in the October 26, 1985 notice issued by the Agency.
- B. Enter a final order and permanent injunction finding the Defendant liable, pursuant to §22.2(f) of the Act, for the past release and substantial threat of further release of hazardous substances as alleged in this Count, and ordering the Defendant to reimburse all costs of removal and remedial action incurred or which



may be incurred by the State as a result of said releases, such removal or remedial action to include but not be limited to the conducting of a remedial investigation and feasibility study and undertaking those response actions identified in the October 26, 1985 notice issued by the Agency;

- C. Enter a final order pursuant to §22.2(k) of the Act imposing upon the Defendant punitive damages in an amount at least equal to, and not more than three times, the amount of any costs incurred by the State of Illinois as a result of the Defendant's failure to take removal or remedial action regarding past releases of hazardous waste at the site;
- D. Enter an order pursuant to §42 of the Act, imposing upon Defendant a civil penalty not to exceed \$10,000 for each violation of the Act alleged in this Count, as well as an additional civil penalty of \$1,000 for each day said violations have continued;
- E. Pursuant to §42(f) of the Act, award the costs of this action, including reasonable attorneys fees and costs of expert witnesses to the Attorney

General; and

- F. Grant such other and further relief as the Court shall deem appropriate under the circumstances.

### COUNT III

#### HAZARDOUS WASTE VIOLATIONS

1. This action is brought on behalf of the Plaintiffs, PEOPLE OF THE STATE OF ILLINOIS and the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (hereinafter the "Agency"), pursuant to the provisions of §42 of the Environmental Protection Act (hereinafter the "Act"), Ill. Rev. Stat. 1983, ch. 111 1/2, par. 1042, authorizing the Illinois Attorney General to bring actions to enforce the provisions of the Act, and the rules and regulations of the Illinois Pollution Control Board (hereinafter the "Board").

2-5. Plaintiffs repeat and reallege paragraphs 2 through 5 of Count I of this Complaint as paragraphs 2 through 5 of this Count III.

6. On May 17, 1982, the State of Illinois was granted interim authorization to administer a hazardous waste program in lieu of the USEPA waste disposal program as set forth in the Resource Conservation and Recovery Act (hereinafter "RCRA"), 42 U.S.C. §6921 et seq. Pursuant to this authorization, the State of Illinois promulgated the hazardous

waste program as set forth in 35 Ill. Adm. Code 720 et seq., said program constitutes requirements of RCRA and are effective in lieu of the equivalent USEPA requirements.

7. Effective September 3, 1981, §21(f) of the Act, Ill. Rev. Stat. 1983, ch. 111 1/2, par. 1021(f), provides in pertinent part:

No person shall:

\* \* \*

- f. Conduct any hazardous waste-storage, hazardous waste treatment or hazardous waste disposal operation:
  - 1. Without a RCRA permit for the site issued by the Agency under subsection (d) of Section 39 of this Act, or in violation of any condition imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with regulations and standards adopted thereunder; or
  - 2. In violation of any regulations or standards adopted by the Board under this Act; or

8. Section 3(j) of the Act, Ill. Rev. Stat. 1983, ch. 111 1/2, par. 1003(j), defines "hazardous waste" as any waste which poses:

... a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, or disposed of, or otherwise

managed, and which has been identified, by characteristic or listing, as hazardous pursuant to Board regulations.

9. 35 Ill. Adm. Code 721.131 identifies as hazardous waste various spent solvents, including but not limited to xylene, identified as F003 waste, and toluene and methyl ethyl ketone, both identified as F005 wastes.

10. Section 3(e) of the Act, Ill. Rev. Stat. 1983, ch. 111 1/2, par. 1003(e), defines disposal as follows:

- e. "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any waste or hazardous waste into or on any land or water or into any well so that such waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

11. From a date better known only to the Defendant and continuing at least until June 3, 1985, the Defendant disposed of spent solvents, including but not limited to those listed in paragraph 9 above, as well as other substances containing polychlorinated biphenyls (PCBs) by dumping said solvents and substances into an unlined, bermed surface impoundment on the site.

12. On June 3, 1985 Agency personnel conducted an inspection of Defendant's facility. Soil and liquid samples were taken from the surface impoundment described in paragraph 11 above.

13. The lab analysis results of the samples described in paragraph 11 above are as follows:

Substance	Location	Concentration (Parts Per Million)
PCBs	Soil and liquid from unlined, bermed surface impoundment north of site buildings.	162
Methyl Ethyl Ketone	Liquid from unlined, bermed surface impoundment north of site buildings.	21,000
Methyl Ethyl Ketone	Soil and liquid from unlined, bermed surface impoundment north of site buildings.	4,000
Toluene	Liquid from unlined, bermed surface impoundment north of site buildings.	37,000
Toluene	Soil and liquid from unlined, bermed surface impoundment north of site buildings.	620
Xylenes	Liquid from unlined, bermed surface impoundment north of site buildings.	25,000
Xylenes	Soil and liquid from unlined, bermed surface impoundment north of site buildings.	35,000

14. On January 7, 1986 Agency personnel conducted sampling of soil in the area of Defendant's facility and of stream sediment in tributaries downstream of Defendant's facility. These samples were analyzed for PCBs, with

concentrations above detectable limits found as follows:

<u>Location</u>	<u>Concentration of PCBs Parts per Million</u>
Stream sediment from Town Branch Creek at a location approximately 50 yards north of the City Park in Vandalia, which was also just north of where a set of railroad tracks cross Town Branch Creek (Sample No. 05).	.090
Stream sediment from Town Branch Creek at a location approximately 100 yards north of the City Park in Vandalia (Sample NO. 06).	.100
Soil from the highway drainage ditch area on the north side of Route 40 at a location just east of Van Tran Electric Corporation's facility, which was also at the front of the facilities of an adjoining business known as Ray's Excavating (Sample No. 08).	260.
Soil from the highway drainage ditch area on the north side of Route 40 at a location just west of Van Tran Electric Corporation's facility, which was also at the front of the facilities of an adjoining business known as Benner-Nauman & Company (Sample No. 09).	.130

15. Toluene is moderately toxic by ingestion, inhalation and skin absorption. Exposure by inhalation can cause headaches, nausea, loss of appetite, and impairment of coordination.

16. Methyl ethyl ketone is moderately toxic by ingestion, and can effect the peripheral and central nervous systems upon ingestion. It is also a strong irritant and can cause external irritation upon dermal contact. Methyl ethyl ketone also poses a dangerous fire hazard when exposed to heat or flame.

17. Xylene can cause irritation of the eyes, nose and throat. Repeated or prolonged skin contact can cause drying and defatting of the skin which can lead to dermatitis. Liquid xylene is irritating to the eyes and mucous membranes, and aspiration of a few milliliters can cause chemical pneumonitis, pulmonary edema, and hemorrhage. The central nervous system, eyes, gastrointestinal tract, blood, liver, kidneys and skin are the points of the body attacked.

18. Toluene, methyl ethyl ketone, and xylene are hazardous wastes pursuant to §3(j) of the Act, Ill. Rev. Stat. 1983, ch. 111 1/2, par. 1003(j).

19. The actions taken by Defendant as described in paragraph 11 of this Count were taken without the Defendant having been issued a RCRA permit by the Agency, in violation of §21(f)(1) of the Act, Ill. Rev. Stat. 1983, ch. 111 1/2, par. 1021(f)(1).

20. From time to time until at least June 3, 1985, at times better known only to the Defendant, the Defendant allowed the hazardous wastes which had accumulated in the surface impoundment, as described in paragraph 11 of this Count, to partially solidify. The partially solidified hazardous wastes were then collected by the Defendant, and disposed of in regular municipal sanitary refuse pick-up, in violation of 35 Ill. Adm. Code 722.112(c) and 722.120, and therefore in violation of §21(f)(2) of the Act, Ill. Rev. Stat. 1983,

ch. 111 1/2, par. 1021(f)(2).

21. On some date(s) between June 3, 1985 and July 13, 1985, the exact date being better known to the Defendant, the Defendant without notice to or authority from the Agency, instructed its agents to remove with shovels some of the wastes and contaminated soils from the surface impoundment and place the removed wastes and contaminated soils in 55-gallon drums that continue to date to be stored at the facility.

22. The Defendant's actions with respect to the surface impoundment, as set forth in the preceding paragraph 21, were taken, inter alia, without regard to compliance with the closure and financial assurance requirements of 35 Ill. Adm. Code, Part 725, subparts G and H, and therefore in violation of those regulations.

23. 35 Ill. Adm. Code, Part 725 sets forth the interim standards for owners and operators of hazardous waste treatment, storage and disposal facilities, and the Defendant is subject to the regulations set forth therein.

24. From time to time up to and including the present, the Defendant has owned and operated a hazardous waste disposal facility in violation of various subsections of 35 Ill. Adm. Code Part 725, including but not limited to §§725.111, 725.113(a)(1), 725.113(b), 725.114, 725.115, 725.116, 725.117, 725.131, 725.132, 725.133, 725.134, 725.137,



725.151, 725.155, 725.173, 725.174, 725.175, 725.190, 725.191, 725.102, 725.193, 725.194, 725.212, 725.242, 725.243, 725.244, 725.245, 725.322, 725.326, and 725.329, all in violation of §21(f)(2) of the Act, Ill. Rev. Stat. 1983, ch. 111 1/2, par. 1021(f)(2).

25. Unless Defendant is restrained from continuing to own and operate a hazardous waste disposal facility without a RCRA permit issued by the Agency, and in violation of 35 Ill. Adm. Code, Part 725, continuing violations of §§21(f)(1) and (2) will occur.

26. Defendant's violations of the Act and the Pollution Control Board regulations as alleged in this Count, have and will cause substantial danger to the environment and irreparable injury to the Plaintiffs.

27. Plaintiffs need not prove that their remedy at law is inadequate, since §§42 and 43 of the Act expressly authorize an injunction to enforce provisions of the Act.

WHEREFORE, the People of the State of Illinois and the Illinois Environmental Protection Agency respectfully pray that This Honorable Court grant the following relief:

- A. Set a prompt hearing for a preliminary injunction, and after the hearing, enter a preliminary injunction preventing the Defendant from taking any further action regarding the

surface impoundment or any wastes or soils removed from the surface impoundment by the Defendant, unless the Defendant complies with §§21(f)(1) and (2) of the Act and those sections of 35 Ill. Adm. Code as alleged in this Count;

- B. Enter a final order finding Defendant in violation of §21(f)(1) and (2) of the Act and those sections of 35 Ill. Adm. Code as alleged in this Count;
- C. Enter a permanent injunction requiring Defendant to cease and desist from further violations of §§21(f)(1) and (2) of the Act and those sections of 35 Ill. Adm. Code as alleged in this Count, and requiring Defendant to take any actions necessary to ensure compliance with §21(f)(1)(2) of the Act;
- D. Enter an order pursuant to §42(b) (3) of the Act requiring Defendant to pay Twenty-five Thousand Dollars (\$25,000) per day for each violation of §21(f) alleged in this Count;
- E. Pursuant to §42(f) of the Act, award the costs of this action, including reasonable attorneys fees and costs of expert witnesses to the Attorney General; and

- F. Grant such other and further relief as the Court shall deem appropriate under the circumstances.

#### COUNT IV

##### WATER POLLUTION VIOLATIONS

1. This action is brought on behalf of the Plaintiffs, PEOPLE OF THE STATE OF ILLINOIS and the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (hereinafter the "Agency"), pursuant to the provisions of §42 of the Environmental Protection Act (hereinafter the "Act"), Ill. Rev. Stat. 1983, ch. 111 1/2, par. 1042, authorizing the Illinois Attorney General to bring actions to enforce the provisions of the Act, and the rules and regulations of the Illinois Pollution Control Board (hereinafter the "Board").

2-5. Plaintiffs reallege and incorporate by reference paragraphs 2 through 5 of Count I as paragraphs 2 through 5 of this Count IV.

6. Effective July 1, 1970 to the present, §§12(a) and 12(d) of the Act, Ill. Rev. Stat. 1983, ch. 111 1/2, pars. 1012(a) and 1012(d), provide:

No person shall:

- a. cause or threaten or allow the discharge of any contaminants into the environment in any state so as to cause or tend to cause water pollution in Illinois, ...

\*

\*

\*

- d. deposit any contaminants upon the land in such a place and manner so as to create a water pollution hazard.

7. Section 3(d) of the Act, Ill. Rev. Stat. 1983, ch. 111 1/2, par. 1003(d), defines contaminant as:

... any solid, liquid or gaseous matter, any odor, or any form of energy, from whatever source.

8. Section 3(nn) of the Act, Ill. Rev. Stat. 1983, ch. 111 1/2, par. 1003(nn), defines water pollution as:

... such alteration of the physical, thermal, chemical, biological or radioactive properties of any waters of the State, or such discharge of any contaminant into any waters of the State, as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish, or other aquatic life.

9. Section 3(oo) of the Act, Ill. Rev. Stat. 1983, ch. 111 1/2, par. 1003(oo), defines waters of the state as:

... all accumulations of water, surface and underground, natural and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon this State.

10. On or about April 1975, Defendant caused or allowed approximately 14,000 gallons of contaminants, including transformed oil containing PCBs, to be released from on-site storage tanks and allowed to flow freely upon the ground and

into on-site drainage ditches. The drainage ditch on Defendant's property flows into Town Branch Creek, which flows through City Park in Vandalia and into the Kaskaskia River.

11. Soil samples collected by the Agency on April 6, 1975 revealed that the drainage ditch on Defendant's property at the site contained 1,500 parts per million (ppm) PCBs.

12. A soil sample collected by the Agency on June 3, 1985 revealed that the soil adjacent to and northwest of the main building on the site contained 221 parts per million (ppm) PCBs.

13. On January 7, 1986 Agency personnel conducted sampling of soil in the area of Defendant's facility and of stream sediment in tributaries downstream of Defendant's facility. These samples were analyzed for PCBs, with concentrations above detectable limits found as follows:

<u>Location</u>	<u>Concentration of PCBs Parts per Million</u>
Stream sediment from Town Branch Creek at a location approximately 50 yards north of the City Park in Vandalia, which was also just north of where a set of railroad tracks cross Town Branch Creek (Sample No. 05).	.090
Stream sediment from Town Branch Creek at a location approximately 100 yards north of the City Park in Vandalia (Sample NO. 06).	.100
Soil from the highway drainage ditch area on the north side of Route 40 at a location just east of Van Tran Electric Corporation's facility, which was also at the front of the facilities of an adjoining business known as Ray's Excavating (Sample No. 08).	260.

Soil from the highway drainage ditch area on the north side of Route 40 at a location just west of Van Tran Electric Corporation's facility, which was also at the front of the facilities of an adjoining business known as Benner-Nauman & Company (Sample No. 09). .130

14. The release of approximately 14,000 gallons of contaminants from the site in April 1975, described in paragraph 10 of this Count and caused or allowed by the Defendant, caused or tended to cause pollution of ground and/or surface waters of the State of Illinois, in violation of §12(a) of the Act.

15. The release of approximately 14,000 gallons of contaminants from the site in April 1975, described in paragraph 10 of this Count and caused or allowed by Defendant, were deposited upon the land in such a place and manner so as to create a water pollution hazard in violation of §12(d) of the Act.

16. From a date better known only to the Defendant, and continuing until at least June 3, 1985, Defendant disposed of spent solvents, including benzene, toluene, xylene, and methyl ethyl ketone, and other substances containing PCBs, by dumping said spent solvents and other substances into an unlined, bermed surface impoundment on the site.

17. On June 3, 1985 Agency personnel conducted an inspection of Defendant's facility. Soil and liquid samples

were taken from the surface impoundment described in paragraph 16 above.

18. The lab analysis results of the samples described in paragraph 17 above are as follows:

<u>Substance</u>	<u>Location</u>	<u>Concentration (Parts Per Million)</u>
PCBs	Soil and liquid from unlined, bermed surface impoundment north of site buildings.	162
Benzene	Liquid from unlined, bermed surface impoundment north of site buildings.	6
Lead	Liquid from unlined, bermed surface impoundment north of site buildings.	55
Lead	Soil and liquid from unlined, bermed surface impoundment north of site buildings.	25
Methyl Ethyl Ketone	Liquid from unlined, bermed surface impoundment north of site buildings.	21,000
Methyl Ethyl Ketone	Soil and liquid from unlined, bermed surface impoundment north of site buildings.	4,000
Toluene	Liquid from unlined, bermed surface impoundment north of site buildings.	37,000
Toluene	Soil and liquid from unlined, bermed surface impoundment north of site buildings.	620
Xylenes	Liquid from unlined, bermed surface impoundment north of site buildings.	25,000
Xylenes	Soil and liquid from unlined, bermed surface impoundment north of site buildings.	35,000

19. 35 Ill. Adm. Code 721.131 identifies as hazardous wastes various spent solvents, including but not limited to xylene, identified as F003 waste, and toluene and methyl ethyl ketone, both identified as F005 wastes.

20. By disposing of said spent solvents and other substances into the surface impoundment at the place and in the manner described in paragraph 16 above, Defendant has caused or allowed the discharge of contaminants into the environment so as to cause or tend to cause pollution of the ground or surface water at the site in violation of §12(a) of the Act.

21. By disposing of said spent solvents and other substances into the surface impoundment at the place and in the manner described in paragraph 16 above, Defendant has deposited contaminants upon the land in a place so as to create a water pollution hazard in violation of §12(d) of the Act.

22. Unless the Defendant is restrained from continuing to cause or allow contaminants to be deposited upon the land in such a manner as to cause or tend to cause pollution of the ground and surface water at the site, and unless Defendant is restrained from depositing contaminants upon the land in such a manner as to create a water pollution hazard, continuing violations of §§12(a) and 12(d) will occur.



22. The Defendant's violations of §§12(a) and 12(d) of the Act, as set forth in this Count, have and will cause substantial danger to the environment and irreparable injury to the Plaintiffs.

23. Plaintiffs need not prove that their remedy at law is inadequate, since §§42 and 43 of the Act expressly authorize an injunction to enforce the provisions of the Act.

WHEREFORE, the People of the State of Illinois and the Illinois Environmental Protection Agency respectfully pray that This Honorable Court grant the following relief:

- A. Enter a final order finding Defendant in violation of §§12(a) and 12(d) of the Act, and ordering Defendant to cease and desist from further violations of the same;
- B. Enter an order pursuant to §42 of the Act, imposing upon Defendant a civil penalty not to exceed \$10,000 for each violation of the Act alleged in this Count, as well as an additional civil penalty of \$1,000 for each day said violations have continued;
- C. Pursuant to §42(f) of the Act, award the costs of this action, including reasonable attorneys fees and costs of expert witnesses to the Attorney General; and

- D. Grant such other and further relief as the Court shall deem appropriate under the circumstances.

COUNT V

AIR PERMIT VIOLATIONS

1. This action is brought on behalf of the Plaintiffs, PEOPLE OF THE STATE OF ILLINOIS and the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (hereinafter the "Agency"), pursuant to the provisions of §42 of the Environmental Protection Act (hereinafter the "Act") Ill. Rev. Stat. 1983, ch. 111 1/2, par. 1042, authorizing the Illinois Attorney General to bring actions to enforce the provisions of the Act, and the rules and regulations of the Illinois Pollution Control Board (hereinafter the "Board").

2. Defendant, VAN TRAN ELECTRIC CORP. (hereinafter "Van Tran") is a Delaware corporation, and became licensed to do business in Illinois as of March 10, 1964. Defendant's facility is located at 1505 Van Tran Avenue, Vandalia, Fayette County, Illinois. The Defendant's registered agent is Shirley Bolin, Route 40, Vandalia, Illinois 62471.

3. Defendant's facility is an electrical transformer manufacturing and reconditioning operation. Van Tran's facility includes two main buildings and two smaller buildings, and three outdoor tanks used for storage of transformer oil,

said tanks having respective capacities of 575 gallons, 6,000 gallons and 8,000 gallons. Another outdoor tank with a capacity of 1,500 gallons stores used transformer oil, and is equipped with a separation unit used to remove water from the oil. One of the buildings on Defendant's facility is a paint spray booth used to paint both newly manufactured and reconditioned transformers.

4. For many years prior to October 3, 1985, the exact dates being better known to the Defendant, and continuing to the present, the Defendant has and continues to operate the following air emission sources or air pollution control equipment at the facility:

- a. two bake ovens used to dry out the core and coils of transformers that are to be reconditioned;
- b. a water baffle and dry filter control unit which are attached to the transformer tank painting operation;
- c. the gas fired anneal oven utilized for core production; and
- d. the 8,000 gallon and 6,000 gallon transformer oil storage tanks.

5. Each of the air emission sources or pollution control equipment identified in the preceding paragraph 4 was required to have an operating permit issued by the Agency as of

June 1, 1973, pursuant to 35 Ill. Adm. Code 201.144.

6. Effective July 1, 1970 to the present, §§9(a) and (b) of the Act, Ill. Rev. Stat. 1983, pars. 1009(a) and (b) provided:

No person shall:

- a. Cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act;
- b. Construct, install, or operate any equipment, facility, vehicle, vessel, or aircraft capable of causing or contributing to air pollution or designed to prevent air pollution, of any type designated by Board regulations, without a permit granted by the Agency, or in violation of any conditions imposed by such permit;

7. None of the emission sources or pollution control equipment set forth in paragraph 4 above have been permitted by the Agency as required by 35 Ill. Adm. Code 201.144 and §9(b) of the Act, Ill. Rev. Stat. 1983, par. 1009(b), and to date, the Defendant has failed or refused to submit any applications for such permits. Therefore, the Defendant has violated §§9(a) and (b) of the Act, Ill. Rev. Stat. 1983, ch. 111 1/2, pars. 1009(a) and (b), and 35 Ill. Adm. Code 201.144.

8. Unless the Defendant is restrained from continued operation of the air emission sources and pollution control equipment set forth in paragraph 4 above, continuing violations of §§9(a) and (b) of the Act and 35 Ill. Adm. Code 201.144 will occur.

WHEREFORE, the PEOPLE OF THE STATE OF ILLINOIS and the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY respectfully pray that this Honorable Court grant the following relief:

- A. Enter a final order finding the Defendant liable for violations of §§9(a) and (b) of the Act and 35 Ill. Adm. Code 201.144 as alleged in this Count;
- B. Impose upon the Defendant, pursuant to §42(a) of the Act, a civil penalty not to exceed Ten Thousand Dollars (\$10,000) for each violation of the Act and the Pollution Control Board regulations alleged in this Count and an additional civil penalty not to exceed One Thousand Dollars (\$1,000) for each additional day that said violation or violations have continued;
- C. Require the Defendant to cease and desist from any further violations of §§9(a) and (b) of the

Act or 35 Ill. Adm. Code 201.144;

- D. Pursuant to §42(f) of the Act, award the costs of this action, including reasonable attorneys' fees and the costs of expert witnesses to the Attorney General; and
- E. Grant such other and further relief as the Court shall deem appropriate under the circumstances.

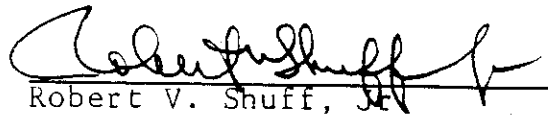
PEOPLE OF THE STATE OF ILLINOIS  
and ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

Plaintiffs,

NEIL F. HARTIGAN, Attorney  
General, State of Illinois,

Attorney for Plaintiffs,

BY:



Robert V. Shuff, Jr.  
First Assistant Attorney General

Of Counsel

MARK A. LAROSE

Assistant Attorney General  
Environmental Control Division  
500 South Second Street  
Springfield, Illinois 62706  
217/782-9031

Dated:

1-21-86


CERTIFICATE OF SERVICE

I hereby certify that I did, on the 21st day of January, 1986 send by First Class Mail, with postage thereon fully pre-paid, by depositing in a United States Post Office Box in Springfield, Illinois, a true and correct copy of the foregoing instrument entitled COMPLAINT FOR PRELIMINARY AND PERMANENT INJUNCTION AND OTHER RELIEF

TO: Mr. Gregory H. Wolk  
Tockman, Laderman, & Wolk  
411 North 7th Street, Suite 1415  
St. Louis, Missouri 63101

and the original and two true and correct copies of the same foregoing instrument by First Class Mail

TO: The Honorable Marsha Wodtka  
Circuit Clerk of Fayette County  
Fayette County Courthouse  
P.O. Box 401  
Vandalia, IL 62471

  
\_\_\_\_\_  
Mark A. LaRose  
Assistant Attorney General

MAY 13 1986

Sample Copy of LOIS 3007 Information Request

ILD 981 093 628

D  
PT.A



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

NOV 1 1985

Van Tran Electric Corp.  
1550 Van Tran Avenue  
Vandalia, IL 62471

SENT FROM  
N.Y. TO ALL  
FACILITIES  
MID-OCTOBER  
CWM DID  
RESPOND.

RE: Request for Information Pursuant to §3007 of the Resource  
Conservation and Recovery Act, 42 U.S.C. §6927

Dear Sir:

On July 3, 1985, the U.S. Environmental Protection Agency, Region V sent most of the land disposal facilities in Region V a letter advising them that the Resource Conservation and Recovery Act (RCRA) had been amended by the Hazardous and Solid Waste Amendments of 1984 (the Amendments), and in particular informing them of a new provision known as the loss of interim status provision. The purpose of this letter is to provide additional guidance relative to the loss of interim status provision and to request information regarding your operations before and after November 8, 1985.

The loss of interim status provision provides:

(2) In the case of each land disposal facility which has been granted interim status under this subsection before the date of enactment of the Hazardous and Solid Waste Amendments of 1984, interim status shall terminate on the date twelve months after the date of the enactment of such Amendments unless the owner or operator of such facility

(A) applies for a final determination regarding the issuance of a permit under subsection (c) for such facility before the date twelve months after the date of the enactment of such Amendments; and

(B) certifies that such facility is in compliance with all applicable groundwater monitoring and financial responsibility requirements.

The U.S. Environmental Protection Agency's interpretation of the requirements under this provision is published at 50 Federal Register 38946 (September 25, 1985), a copy of which is enclosed. Please read and follow this closely. In order for you to continue to place hazardous wastes in land disposal units at your facility on and



after November 8, 1985, by that date you must (1) submit a Part B operating permit application and (2) a certification of compliance with all applicable groundwater monitoring and financial responsibility requirements. Certification is authorized on a facility-wide or unit-by-unit basis. The certification should be sent to U.S. EPA, Region V, Waste Management Division, RCRA Enforcement Section, 230 South Dearborn Street, Chicago, Illinois 60604, and to the State. Except for facilities in Minnesota, the permit application or post-closure permit application should be sent to RCRA Activities, U.S. EPA, Region V, P.O. Box A3587, Chicago, Illinois 60690-3587. Except for facilities in Michigan, the closure-plan should be sent to the State.

The owner/operator of a facility may certify compliance only if the facility or units for which interim status is retained is in physical compliance. Because this is a provision of federal law, an order by any agency that has a compliance date on or beyond November 8, 1985 does not relieve the owner/operator of the obligation to be in physical compliance by the statutory date when the certification is due. You may not interpret or rely on an order or compliance schedule therein as an extension of the November 8, 1985 deadline. Moreover, difficulties in achieving compliance, such as obtaining insurance, are not grounds for filing a certification if you are not in physical compliance.

If you do not certify compliance with ground-water monitoring and financial responsibility requirements and/or you do not submit a Part B permit application by November 8, 1985, you must cease placement of wastes into the land disposal units in question by that date and you must comply with all closure and post-closure requirements. This follows by operation of law and does not require notice from U.S. EPA.

You are hereby required, pursuant to the authority of §3007 of RCRA, 42 U.S.C. §6927, to report to U.S. EPA information regarding hazardous waste land disposal units that had interim status on or before November 8, 1985, and/or received hazardous waste after November 19, 1980. In particular, you are to submit the information specified in paragraphs 1-3 of Enclosure I between November 23 and November 27, 1985. Information in paragraph 4 is to be submitted between January 3 and 10, 1986. Each submission must identify the facility by name, address and RCRA I.D. number, be a self-explanatory and complete response, be dated, and be signed.

You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 CFR §2.203(b). You should read the above-cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim. Information covered by such a claim will be disclosed by U.S. EPA only to the extent, and by the means of the procedures, set forth by 40 CFR Part 2, Subpart B.

If no such claim accompanies the information when it is received by U.S. EPA, it may be available to the public by EPA without further notice to you.

Please forward the information requested to:

U.S. Environmental Protection Agency  
Waste Management Division  
230 South Dearborn Street  
Chicago, Illinois 60604  
Attn: RCRA Enforcement Section, SHE-12

Failure to comply with the above request within the time frame specified may result in an enforcement action by U.S. EPA under the authority of §3008 of RCRA, including the assessment of penalties. You should also be aware that knowing falsification of any information provided pursuant to this request is a criminal violation under §3008(d)(3) of RCRA, and other provisions and may result in fines and imprisonment.

If you have any questions with regard to the above, or should you need further clarification regarding your response to this letter, please contact William E. Muno of my staff at (312) 886-4434.

Sincerely,

*Gene A. Lucero,*

*for* B.G. Constantelos, Director  
Waste Management Division

Enclosures (2)

## ENCLOSURE I

For purposes of the information request, the following definitions shall apply:

"Hazardous waste" means those solid wastes identified as hazardous waste in 40 CFR part 261, or the authorized state program in which a facility is located whichever is more inclusive.

"RCRA Land Disposal Units" shall include landfills, land treatment units, surface impoundments used for storage, treatment or disposal, waste piles and class I hazardous waste underground injection wells subject at any time to regulations or other requirements under subtitle C of the Resource Conservation and Recovery Act.

### INFORMATION REQUEST

(1) Identify each RCRA land disposal unit at your facility by stating the common name or identifier used by the facility and Part A process code. Identify the unit on a photocopy of a topographic map attached to your response.

(2) Identify each RCRA land disposal unit at your facility which was not within the scope of a certification of compliance with all applicable groundwater monitoring and financial responsibility requirements and a Part B permit application, transmitted to EPA by November 8, 1985, by indicating for each such unit the common name or identifier used by the facility and Part A process code, which unit must be identified on the topographic map identified in response to information request number 1 above.

(3) For each RCRA land disposal unit at your facility which was not within the scope of a certification of compliance with all applicable groundwater monitoring and financial responsibility requirements and a Part B permit application transmitted to EPA by November 8, 1985 (these units were to be identified in answer No. 2 above), state when and to whom a closure plan was submitted.

(4) For each RCRA land disposal unit at your facility which was not within the scope of a certification of compliance with all applicable groundwater monitoring and financial responsibility requirements and a Part B permit application transmitted to EPA by November 8, 1985:

- a. State the type and average quantity of hazardous wastes placed in each on a daily (or monthly) average during the year prior to November 8, 1985.
- b. State when the unit ceased receiving hazardous waste;

- c. State whether hazardous waste was placed in the unit at any time between November 8, 1985 and December 31, 1985;
- d. State how the hazardous waste introduced into the unit before November 8, 1985 has been treated, stored or disposed of between November 8, 1985 and December 31, 1985.
- e. State how you intend to treat, store or dispose of that hazardous waste identified in "d", in 1986, including the identity of any off-site facility to which you intend to ship it.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

RECEIVED  
OCT 29 1985  
IEPA-DLPG

IN THE MATTER OF:

VAN TRAN ELECTRIC CORPORATION,  
a Delaware corporation licensed  
to do business in Illinois.

)  
)  
) NOTICE TO PARTIES LIABLE  
) FOR A RELEASE AND A  
) SUBSTANTIAL THREAT OF A  
) RELEASE OF A HAZARDOUS  
) SUBSTANCE

NOTICE

In accordance with the Illinois Environmental Protection Act (Ill. Rev. Stat. 1983, ch. 111 1/2, pars. 1001, et seq.) (hereinafter "Act"), the Illinois Environmental Protection Agency (hereinafter "IEPA") hereby gives you Notice that the Agency has determined that Van Tran Electric Corporation (hereinafter "Van Tran") may be liable to the State of Illinois for any costs incurred by the State as a result of any "response action" (as defined in the Act) undertaken by the State as a result of any failure to take action in accordance with the Identified Response Action set forth in this Notice.

The IEPA is considering the use of public funds to investigate and implement corrective action for the control of releases and threatened releases at the site described below. This action will be undertaken pursuant to Sections 4 and 22.2 of the Act (Ill. Rev. Stat. 1983, ch. 111 1/2, pars. 1004 and 1022.2) unless IEPA determines that such action will be properly done by Van Tran. As stated previously, Van Tran may be liable for any costs incurred by the State of Illinois to implement response action. Such costs may include, but may not be limited to,

expenditures for investigation, planning, cleanup and enforcement action. By this Notice, IEPA intends to notify Van Tran of potential liability with regard to this matter and encourage the undertaking of voluntary cleanup activities in accordance with the Identified Response Action as specified below.

I.  
FINDINGS

A. Van Tran is a corporation organized under the laws of the State of Delaware and licensed to do business in the State of Illinois.

B. Van Tran is, and at all times pertinent to this Notice since on or before November 12, 1975, has been the owner and operator of a manufacturing site located at 1505 Van Tran Avenue in Vandalia, Fayette County, Illinois (hereinafter "the site").

C. The site is and has been used for the manufacture and repair of transformers.

D. During its operation of the site, Van Tran placed, inter alia, polychlorinated biphenols (hereinafter "PCBs"), benzene, lead, methyl ethyl ketone, toluene, xylene, and other materials on the area surface waters and soils, said materials being "contaminants" within the meaning of Section 3(d) of the Act (Ill. Rev. Stat. 1983, ch. 111 1/2, par. 1003(d)) and all or some of said materials being "hazardous waste" within the meaning of Section 3(j) of the Act (Ill. Rev. Stat. 1983, ch. 111 1/2, par. 1003(j)) and "hazardous substances" within the meaning of Section

3(yy) of the Act (Ill. Rev. Stat. 1983, ch. 111 1/2, par. 1003(yy)).

E. The IEPA has determined that the placing and abandoning of the above-mentioned contaminants at the site has given rise to the actual release of hazardous substances into the area surface waters and soils and that such actual release has caused and will continue to cause contamination of surface waters, soils, and the environment unless the release is abated.

F. By reason of the actual release of hazardous substances, IEPA finds a substantial threat of the continued and future release of hazardous substances to surface waters, soils, groundwater, and the environment unless the threatened release is abated.

G. Following is a partial list of hazardous substances which have been detected in surface waters and soils in and near the site:

Substance	Location	Sample Collection Date	Quantity (Parts Per Million)
PCBs	Liquid from ditch on site.	04/06/75	1,500
PCBs	Soil adjacent to concrete pad northwest of main building.	06/03/85	221
PCBs	Soil and liquid from unlined open pit north of main building.	06/03/85	162
Benzene	Liquid from unlined open pit north of main building.	06/03/85	6

Substance	Location	Sample Collection Date	Quantity (Parts Per Million)
Lead	Liquid from unlined open pit north of main building.	06/03/85	55
Lead	Soil and liquid from unlined open pit north of main building.	06/03/85	25
Methyl Ethyl Ketone	Liquid from unlined open pit north of main building.	06/03/85	21,000
Methyl Ethyl Ketone	Soil and liquid from unlined open pit north of main building.	06/03/85	4,000
Toluene	Liquid from unlined open pit north of main building.	06/03/85	37,000
Toluene	Soil and liquid from unlined open pit north of main building.	06/03/85	620
Xylenes	Liquid from unlined open pit north of main building.	06/03/85	25,000
Xylenes	Soil and liquid from unlined open pit north of main building.	06/03/85	35,000

H. The IEPA has determined that the partial list of hazardous substances released, as specified above in Paragraph G, are hazardous substances that have been disposed of on Van Tran property.

I. The IEPA has determined that Van Tran has had and now has that degree of involvement with the site so as to be liable to the State pursuant to the provisions of Section 22.2(f) of the Act (Ill. Rev. Stat. 1983, ch. 111 1/2, par. 1022.2(f)).



II.  
IDENTIFIED RESPONSE ACTION

A. Remedial Investigation

1. Van Tran shall implement and complete a Remedial Investigation as described in Tasks 1 through 8 of the Statement of Work, appended hereto as Exhibit 1 and incorporated herein by reference, within the times specified below.

2. On or before December 15, 1985, Van Tran shall complete Task 1 (Description of Current Situation) of the Statement of Work, and submit the information called for by Task 1 to IEPA.

3. On or before January 31, 1986, Van Tran shall submit the work plans as provided for in Tasks 2 and 3 of the Statement of Work to IEPA. Upon approval by IEPA as to the extent and scope of each media investigation described in Task 3, Van Tran shall implement and complete such investigation.

4. On or before March 15, 1986, Van Tran shall submit a listing of wastes characterized pursuant to Task 3A of the Statement of Work to IEPA.

5. On or before March 15, 1986, Van Tran shall submit to IEPA technical memoranda describing the geophysical investigations and interpretations as described in Task 3B of the Statement of Work.

6. On or before March 15, 1986, Van Tran shall submit to IEPA a report surveying existing hydrogeologic data pursuant to Task 3C of the Statement of Work.

7. On or before April 15, 1986, Van Tran shall submit to IEPA a Preliminary Remedial Technologies Assessment as described in Task 4 of the Statement of Work.

8. On or before May 1, 1986, Van Tran shall submit to IEPA a Site Investigation Analysis as described in Task 5 of the Statement of Work.

9. On or before May 1, 1986, Van Tran shall submit ten (10) copies of a draft Remedial Investigation Final Report to IEPA, as provided for in Task 6 of the Statement of Work. Upon comment by IEPA, such comments shall be incorporated into the Final Report. Such Final Report shall be submitted by Van Tran to IEPA on or before June 1, 1986.

10. As requested by IEPA, Van Tran shall cooperate with and provide such services and equipment as needed to implement the Community Relations Program described in Task 7 of the Statement of Work.

11. On or before February 15, 1986, Van Tran shall submit the Quality Assurance Project Plan described in Task 8 of the Statement of Work to IEPA.

B. Feasibility Study

1. Van Tran shall implement and complete a Feasibility Study as described in Tasks 9 through 16 of the Statement of Work, appended hereto as Exhibit 1 and incorporated herein by reference, within the times specified below.

2. On or before July 1, 1986, Van Tran shall submit a detailed work plan for the proposed Feasibility Study to IEPA.

3. On or before July 15, 1986, Van Tran shall submit to IEPA a Description of Current Situation and Proposed Response as described in Task 9 of the Statement of Work.

4. On or before August 1, 1986, Van Tran shall submit a Report of Alternatives to IEPA, as described in Task 10 of the Statement of Work.

5. On or before August 1, 1986, Van Tran shall submit a proposed Initial Screening of Alternatives to IEPA, as described in Task 11 of the Statement of Work.

6. Within thirty (30) days of notification by IEPA of the need, Van Tran shall submit to IEPA a work plan for Laboratory Studies, as described in Task 12 of the Statement of Work.

7. On or before August 15, 1986, Van Tran shall submit a draft Detailed Development of Remaining Alternatives, Environmental Analysis, Public Health Analysis, Institutional Analysis, Cost Analysis, and Evaluation and Recommendation of Best Overall Alternative to IEPA, as described in Task 13 of the Statement of Work.

8. On or before September 1, 1986, Van Tran shall submit ten (10) copies of a Preliminary Report to IEPA, as described in Task 14 of the Statement of Work.

9. Within fourteen (14) days of notification by IEPA of the alternative remedy selected, Van Tran shall submit a Conceptual Design of such alternative remedy, as described in Task 15 of the Statement of Work.

10. On or before October 1, 1986, Van Tran shall submit ten (10) copies of a Final Report to IEPA, as described in Task 16 of the Statement of Work.

C. Reporting and Addresses

1. Van Tran shall submit to IEPA written reports of progress made and delays encountered for each calendar month and describe activities anticipated to occur in the next two month period. Such reports shall be due on the tenth day following the end of each calendar month and reports shall commence with the first complete calendar month following issuance of this Notice.

2. All reports and other documents submitted pursuant to this Notice and the appended Statement of Work (Exhibit 1) shall be sent to:

Illinois Environmental Protection Agency  
Division of Land Pollution Control  
2200 Churchill Road  
Springfield, Illinois 62706

ATTENTION: James A. Janssen

3. All submittals based on work performed by contractors for Van Tran shall include all documents submitted by such contractors to Van Tran, including draft reports.

D. Additional Work

IEPA may determine that additional work is necessary as part of the Remedial Investigation and Feasibility Study for the site. Van Tran shall implement and complete any additional work determined by IEPA to be necessary. In the event Van Tran declines to perform such additional work, IEPA reserves the right to

perform it and subsequently seek reimbursement for the costs thereof pursuant to Section 22.2 of the Act (Ill. Rev. Stat. 1983, ch. 111 1/2, par. 1022.2).

III.  
APPROVAL OF SUBMITTALS

All work performed and each submittal required by this Notice and the appended Statement of Work (Exhibit 1) shall be subject to the review and approval of IEPA.

IV.  
DESIGNATED PROJECT COORDINATORS

A. Van Tran and IEPA shall each appoint and designate a Project Coordinator who shall have responsibility for overseeing the implementation of the terms of this Notice and the appended Statement of Work (Exhibit 1). The IEPA's Project Coordinator will be its designated representative at the site. Van Tran and IEPA shall each designate such Coordinator and inform the other in writing of their Coordinator's identity, address, and telephone number within ten (10) days following issuance of this Notice.

B. To the maximum extent possible, unless otherwise specifically provided in this Notice, communications between Van Tran and IEPA shall be directed through the Project Coordinators. Each Coordinator shall be responsible for assuring that all communications for the other party are appropriately disseminated and processed within their respective organizations.

C. Van Tran and IEPA each have the right to change their respective Project Coordinator. Such a change shall be

accomplished by notifying the other party in writing at least five (5) days prior to the change.

D. The IEPA designated "On-Scene Coordinator", who may also be IEPA's Project Coordinator, shall have authority which includes: taking samples; halting, conducting, or directing any tasks required by this Notice and/or any response actions or portions thereof when conditions present an immediate risk to public health or welfare or the environment; observing, taking photographs, and making reports on the progress of the work; and, reviewing relevant records, files, and documents. The absence of the such "On-Scene Coordinator" from the site shall not be cause for the stoppage of work.

#### V.

#### SAMPLING, ACCESS AND DATA/DOCUMENT AVAILABILITY

A. Van Tran shall make the results of all sampling and/or tests or other data generated by Van Tran, or on Van Tran's behalf, with respect to the implementation of this Notice and the appended Statement of Work (Exhibit 1), available to IEPA and shall submit these results upon IEPA's request. IEPA will make available to Van Tran the results of sampling and/or other data similarly generated by the IEPA.

B. At the request of IEPA, Van Tran shall allow split or duplicate samples to be taken by IEPA and/or its authorized representatives, of any samples collected by Van Tran pursuant to implementation of this Notice. Van Tran shall notify IEPA not

less than forty-eight (48) hours in advance of any sample collection activity.

C. IEPA and/or any IEPA authorized representative shall have the authority to enter and freely move about all property at the site at all reasonable times for the purposes of, inter alia: inspecting records, operating logs, and contracts related to the site; reviewing the progress of Van Tran in carrying out the terms of this Notice and the appended Statement of Work (Exhibit 1); conducting such tests as IEPA or the Project Coordinator deem necessary; using a camera, sound recording, or other documentary type equipment; and, verifying the data submitted to IEPA by Van Tran. Van Tran shall permit such persons to inspect and copy all records, files, photographs, and other writings, including all sampling and monitoring data, in any way pertaining to work undertaken pursuant to this Notice. All parties with access to the site pursuant to this paragraph shall comply with all approved health and safety plans.

#### VI. DOCUMENT PRESERVATION

Van Tran shall preserve, during the pendency of this Notice and for a minimum of six (6) years after its termination, all records and documents in their possession or in the possession of their divisions, employees, agents, accountants, contractors, or attorneys which relate in any way to the site, despite any document retention policy to the contrary. After this six year period, Van Tran shall notify IEPA thirty (30) days prior to the

destruction of any such documents. Upon request by IEPA, Van Tran shall make available to IEPA any such documents or copies of any such documents. Additionally, if IEPA requests that some or all documents be preserved for a longer period of time, Van Tran shall comply with that request.

VII.  
RESERVATION OF RIGHTS

A. Notwithstanding compliance with the terms of this Notice, including the completion of the work set forth in Section II, Van Tran is not released from liability, if any, for any actions beyond the terms of this Notice taken by IEPA respecting the site. The IEPA reserves the right to take any enforcement action pursuant to the Act and/or any available legal authority, including the right to seek injunctive relief, monetary penalties, and punitive damages for any violation of law or this Notice.

B. IEPA expressly reserves all rights that it may have, including IEPA's right both to disapprove of work performed by Van Tran and to request that Van Tran perform tasks in addition to those provided for by this Notice. In the event that Van Tran declines to perform any additional and/or modified tasks, IEPA will have the right to undertake any such work. In addition, IEPA reserves the right to undertake removal actions and/or remedial actions at any time. In either event, IEPA reserves the right to seek reimbursement from Van Tran thereafter for such costs incurred by the State of Illinois.



VIII.  
REIMBURSEMENT OF COSTS

A. At the end of each year, IEPA will submit to Van Tran an accounting of all response and oversight costs incurred by the State of Illinois with respect to this Notice and the appended Statement of Work (Exhibit 1). Van Tran shall, within thirty (30) days of receipt of each such accounting, remit a check for the amount of those costs made payable to the Treasurer of the State of Illinois. A copy of each check transmittal letter is to be sent to IEPA's Project Coordinator. Checks are to specifically reference the identity of the site and be addressed to:

Illinois Environmental Protection Agency  
Fiscal Services  
2200 Churchill Road  
Springfield, Illinois 62706

B. IEPA reserves the right to bring an action against Van Tran pursuant to the Act for recovery of all response and oversight costs incurred by the State of Illinois related to this Notice and the appended Statement of Work (Exhibit 1) and not reimbursed by Van Tran, as well as any other past and future costs incurred by the State of Illinois in connection with response activities conducted pursuant to the Act at the site.

IX.  
OTHER CLAIMS

A. Nothing in this Notice shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership, or corporation not

named in this Notice for any liability it may have arising out of or relating in any way to the generation, storage, treatment, handling, transportation, release, or disposal of any hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, or taken from the site.

B. Van Tran shall indemnify and save and hold harmless the IEPA from any and all claims or causes of action arising from acts or omissions of Van Tran in carrying out the activities pursuant to this Notice and the appended Statement of Work (Exhibit 1).

C. IEPA is not a party in any contract entered into by Van Tran in carrying out the activities pursuant to this Notice and the appended Statement of Work (Exhibit 1).

X.  
OTHER APPLICABLE LAWS

A. All actions required to be taken pursuant to this Notice and the appended Statement of Work (Exhibit 1) shall be undertaken in accordance with the requirements of all applicable local, state, and federal laws and regulations.

B. This Notice does not waive, release, discharge, or affect any responsibilities or liabilities which may exist under other provisions of the Act or other federal or state laws. Nothing herein shall waive or limit the rights of the State of Illinois or IEPA to enforce or take any action authorized by state or federal law.

XI.  
PARTIES BOUND

A. This Notice shall apply to and be binding upon Van Tran and its officers, employees, agents, and contractors in their capacity as Corporation representatives, successors, assigns, and subsidiaries.

B. No change in ownership or corporate or partnership status relating to the site will in any way alter the status of Van Tran or in any way alter Van Tran's responsibility under this Notice. Van Tran will be responsible for carrying out all activities required of Van Tran under this Notice.

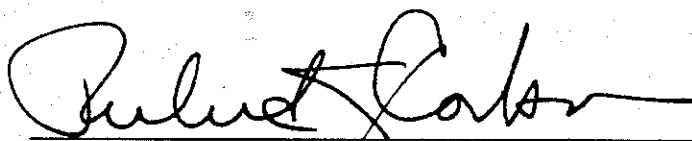
C. Van Tran shall provide a copy of this Notice and the appended Statement of Work (Exhibit 1) to all contractors, sub-contractors, laboratories, and consultants retained to conduct any portion of the work performed pursuant to this Notice or the appended Statement of Work within fourteen (14) days of issuance of this Notice or date of such retention.

XII.  
FAILURE TO COMPLY WITH THIS NOTICE

Pursuant to Section 22.2 of the Act (Ill. Rev. Stat. 1983, ch. 111 1/2, par. 1022.2), if Van Tran fails without sufficient cause to comply with this Notice and request by the Agency, including all provisions of the Identified Response Action set forth above, such failure may subject Van Tran to liability to the State of Illinois for punitive damages in an amount at least equal to, and not more than three times, the amount of any costs

incurred by the State as a result of such failure. Such punitive damages shall be in addition to any costs recovered from Van Tran pursuant to Section 22.2 of the Act and in addition to any other penalty or relief provided by the Act or any other law.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

  
Richard J. Carlson  
Director

2200 Churchill Road  
Springfield, Illinois 62706

Date: October 26<sup>th</sup>, 1985

STATE OF ILLINOIS  
COUNTY OF SANGAMON

)  
)  
)

SS.

PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached Notice upon the person to whom it is directed, by placing a copy in an envelope addressed to:

Mr. A. E. Bolin, President  
Van Tran Electric Corporation  
7711 Imperial Drive  
Waco, Texas 76710

and mailing it from Springfield, Illinois, on October 28, 1985, with sufficient postage affixed, certified mail, return receipt requested.

Malinda Cooper

SUBSCRIBED AND SWORN TO BEFORE ME  
this 28th day of October, 1985.

Barbara K. Mc Gee  
Notary Public

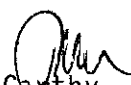
M E M O R A N D U M

DATE: October 9, 1985

RECEIVED

TO: Division File

OCT 15 1985

FROM: M. D. Grant & P. M. McCarthy 

IEPA-DLPC

SUBJECT: LPC 0510350004 - Fayette County - Vandalia/Van Tran Electric Corp.

On October 3, 1985, a multi media inspection was conducted at the subject facility. Representing the Agency were John Justice, DAPC, Nick Mahlandt, DWPC, Rich Lange, Mike Grant and Pat McCarthy, DLPC. Our purpose on this inspection was to conduct a full ISS inspection. Representing the facility were Steve Parke, Vice President of Purchasing and Compliance, Bob Smith, Plant Supervisor, Greg Wolk, Attorney and John Whiteford, Chemical Engineer from Baker Engineers, a consulting firm employed by Van Tran.

An inspection of this facility was conducted by this office, DLPC only, on June 3, 1985. During that inspection a surface impoundment (S.I.) was discovered. Per analyses and discussions with Van Tran, it was determined waste paint and solvents were placed in the pit. (See June 3, 1985 inspection report.) An Enforcement Notice Letter was sent to the facility on June 24, 1985 and a 31(d) meeting was held July 23, 1985. Van Tran officials stated in the meeting that some remedial activity had been taken in the S.I., five drums of soil were excavated, and the S.I. was backfilled with fresh soil.

During this inspection the five drums were observed and Mr. Smith stated that the drums were filled June 21, 1985. We sampled two of the five drums and split these samples with Van Tran. The drums were being stored inside a building. When the lids were removed a very strong solvent odor was detected. The soil was in double lined plastic bags within the fibre pac drums. The S.I. was also observed. The S.I. had been backfilled and apparently sodded. There was no evidence that further dumping of waste had occurred in this area.

Mr. Parke said the solvent and paint wastes were now being placed in a 55 gallon drum. There was one drum observed. The drum was labelled and appeared to be managed properly. Mr. Parke stated that there were approximately five gallons of waste in the drum. Also observed in this area were two five gallon containers which were also labelled. We were told this waste is filter media which is used to filter solvents. We then asked what solvents are recycled. Mr. Smith told us that transformer tanks are wiped down with solvent to remove excess oil. The cloth is rung out in a five gallon bucket of solvent and the solvent becomes contaminated with oil. The recycling unit consists of two five gallon buckets placed on top of each other. Filter media is in the top bucket which has a hole in the bottom. The solvent is poured into the bucket. The filter media absorbs the oil and the solvent exits through the bottom into the other bucket. The filter media is then handled as a hazardous waste.

RECEIVED

OCT 15 1985

REMARKS

IEPA-DLPC

Use this section to briefly describe site activities observed at the time of the inspection. Note any possible violations of Interim Status Standards.

The facility was initially inspected on June 3, 1985 by Chuck Reeter and myself. During that inspection a pit was observed. The pit received paint and solvent waste. (See June 3, 1985 inspection checklist.) Since the June 3 inspection, five drums of soil were removed from the pit. Per Mr. Parke, the soil was placed in the drums on June 21, 1985. The pit was also backfilled, therefore the applicable areas of Section K on the checklist could not be addressed. The five drums have exceeded the 90-day requirements for a generator and are therefore in the storage mode. Until the pit goes through RCRA Closure, it is considered a Surface Impoundment and subject to the requirements of Interim Status.

This facility was a non-notifier, therefore, a formal RCRA program has not been implemented. The waste generated at the facility (since the June inspection) appears to be managed properly. However, there were no analyses available for three additional waste streams.

The additional waste streams are:

- 1) the filter media which is used to filter the transformer oil,
- 2) the material which is skimmed off the water which is utilized in the paint booth air emission control device, and
- 3) the filters associated with the aforementioned air emission control device.

The two waste streams which Van Tran has determined to be hazardous are filter media and the spent solvent from the painting process. Since the June inspection, the solvent and paint waste are put into a drum which was labelled properly. The filter media is used to reclaim solvents. Transformer tanks are wiped down with solvent to remove the oils. The spent solvent is poured into a five gallon bucket filled with filter media. The media absorbs the oils and the solvent exits through a hole in the bottom of the bucket, which is collected in another bucket. There were two five gallon buckets of filter media which were also labelled properly. Now that Van Tran is properly handling these wastes, the 90 day accumulation time can be applied.

Mr. Parke said that a notification had been submitted to USEPA to obtain a USEPA ILD#. On October 4, 1985, I called Mary Villareal, USEPA, Region V to inquire whether a notification from Van Tran had been received. She said that it was received on September 24, 1985.

The following apparent violations were observed on this date:

- |            |             |                |
|------------|-------------|----------------|
| 1) 703.150 | 7) 725.133  | 13) 725.212    |
| 2) 722.111 | 8) 725.137  | 14) 725.242    |
| 3) 725.113 | 9) 725.151  | 15) 725.274    |
| 4) 725.114 | 10) 725.155 | 16) 725.328(c) |
| 5) 725.115 | 11) 725.173 | 17) 725.329    |
| 6) 725.116 | 12) 725.175 |                |

MDG:jlr/0009L



217/782-6761

CERTIFIED MAIL  
ENFORCEMENT NOTICE LETTER

Vandalia/Van Tran Electric Corp.  
Fayette County - LPC 0510350004

RECEIVED

JUN 25 1985

IEPA-DLPC

June 24, 1985

A. E. Bolin, Jr., President  
Van Tran Electric Corporation  
7711 Imperial Drive  
Waco, Texas 76710

Dear Mr. Bolin:

By copy of this letter, the Agency hereby informs you of apparent violations and non-compliance with the Illinois Environmental Protection Act and the rules and regulations adopted thereunder with respect to Van Tran Electric Corporation's facility at Vandalia, Illinois. These apparent violations are set forth in Attachment A to this letter.

Please be advised that this matter has been referred to the Agency's legal staff for the preparation of a formal enforcement case. The Agency intends to refer this matter to the Attorney General's office for the filing of a formal complaint.

This letter constitutes the notice required by Section 31(d) of the Illinois Environmental Protection Act prior to the filing of a formal complaint. In accordance with Section 31(d), the Agency will provide Van Tran Electric Corporation with an opportunity to meet with appropriate Agency officials in an effort to resolve such conflicts which could otherwise lead to the filing of a formal complaint. This meeting has been scheduled for 10:30 a.m. on Thursday, July 11, 1985 at the Agency's headquarters address listed above. Please confirm attendance within seven (7) days of this date or this letter or arrange for an alternative date or time.

Please contact Bruce Carlson of the Agency's legal staff at 217/782-5544 within seven (7) calendar days should there be any questions regarding this matter.

Sincerely,

Robert G. Kuykendall  
Manager  
Division of Land Pollution Control



Page 2

Attachment

cc: FOS/DLPC, Collinsville Regional Office  
Records Unit/DLPC  
Gary King, Enforcement Programs  
Joe Svoboda, Enforcement Programs  
Docket Control  
Robert Smith, Plant Supervisor, Van Tran Electric Corp.,  
1505 Van Tran Avenue, Vandalia, IL 62471

RECEIVED

JUN 25 1985

Vandalia/Van Tran Electric Corporation  
Fayette County - LPC 0510350004

IEPA/LPC

ATTACHMENT A

Apparent violations of Title 35 of the Illinois Administrative Code:

1. Section 703.150(a) - Failure to submit Part A of the RCRA permit application addressing all hazardous waste management activities at the facility.
2. Section 722.111 - Failure to determine if the waste the facility generates is a hazardous waste using the required methods.
3. Section 722.112(a) - Failure to obtain an EPA identification number for hazardous waste management activities.
4. Section 722.112(c) - Failure to ship hazardous waste with an EPA approved transporter to an EPA approved treatment, storage or disposal facility.
5. Section 722.120 - Failure to prepare a manifest to accompany shipments of hazardous waste off-site.
6. Section 725.111 - Failure to apply to USEPA for an EPA identification number in accordance with the EPA notification procedures (45 Federal Register 12746).
7. Section 725.113(a)(1) - Failure to obtain a detailed chemical and physical analysis of a representative sample of the hazardous waste before storage or disposal.
8. Section 725.113(b) - Failure to develop and follow a written waste analysis plan.
9. Section 725.114 - Failure to prevent the unknowing entry and minimize the possibility for the unauthorized entry of persons or livestock onto the active portion of the facility.
10. Section 725.115 - Failure to establish and maintain inspection records at the facility.
11. Section 725.116 - Failure to establish and maintain personnel training and personnel training records as required.
12. Section 725.117 - Failure to take precautions to prevent accidental ignition of ignitable waste.

Vandalia/Van Tran Electric Corporation  
Fayette County - LPC 0510350004

13. Section 725.131 - Failure to maintain and operate the facility to minimize the possibility of a fire or any unplanned sudden or non-sudden release of hazardous waste.
14. Section 725.132 - Failure to be equipped with the required equipment to handle any hazards posed by the type of waste handled.
15. Section 725.133 - Failure to test and maintain required emergency equipment.
16. Section 725.134 - Failure to provide immediate access to internal alarms or communication equipment.
17. Section 725.137 - Failure to attempt to make the required arrangements with local authorities.
18. Section 725.151 - Failure to prepare and maintain a contingency plan in accordance with the requirements of Sections 725.152 through 725.154.
19. Section 725.155 - Failure to designate an emergency coordinator with responsibility for coordinating emergency response procedures such as described in Section 725.156.
20. Section 725.173 - Failure to establish and maintain a written operating record at the facility.
21. Section 725.174 - Failure to furnish upon request and make available for inspections all records and plans required under Part 725.
22. Section 725.175 - Failure to submit an annual report covering the hazardous waste activities for the previous calendar year.
23. Section 725.190 - Failure to implement a groundwater monitoring program capable of determining the facility's impact on groundwater in the uppermost aquifer underlying the facility.
24. Section 725.191 - Failure to install a proper groundwater monitoring system.
25. Section 725.192 - Failure to implement a sampling analysis plan with respect to the groundwater monitoring system.
26. Section 725.193 - Failure to prepare an outline of a groundwater quality assessment program.

Vandalia/Van Tran Electric Corporation  
Fayette County - LPC 0510350004

27. Section 725.194 - Failure to implement a recordkeeping and reporting plan with respect to the groundwater monitoring program.
28. Section 725.212 - Failure to establish and maintain a written closure/post-closure plan for the facility.
29. Section 725.242 - Failure to prepare a written estimate of the cost of closing the facility in current dollars.
30. Section 725.243 (incorporating by reference 40 CFR 265.143) - Failure to provide financial assurance for facility closure.
31. Section 725.244 - Failure to prepare a written estimate of the cost of post-closure monitoring and maintenance of the facility in current dollars.
32. Section 725.245 (incorporating by reference 40 CFR 265.147) - Failure to provide financial assurance for facility post-closure monitoring and maintenance.
33. Section 725.322 - Failure to maintain at least two feet of freeboard in the surface impoundment.
34. Section 725.326 - Failure to provide inspections of the surface impoundment for freeboard level and to detect any leaks, deteriorations or failures.
35. Section 725.329 - Failure to render ignitable waste non-ignitable prior to or immediately after placement in the surface impoundment.

Apparent violations of the Illinois Environmental Protection Act, Ill. Rev. Stat. 1983, ch. 111 1/2, pars. 1001 et seq.:

1. Section 12(a) - Causing, threatening or allowing the discharge of contaminants so as to cause or tend to cause water pollution.
2. Section 12(d) - Depositing contaminants upon the land in such place and manner so as to create a water pollution hazard.
3. Section 21(a) - Causing or allowing the open dumping of waste.
4. Section 21(f) - Conducting a hazardous waste storage, treatment or disposal operation without a RCRA permit issued by the Agency under Section 39(c) of this Act or in

Vandalia/Van Tran Electric Corporation  
Fayette County - LPC 0510350004

violation of any regulations or standards adopted by the  
Pollution Control Board under this Act.

In addition to the above, laboratory analysis results on soil and water samples collected from the surface impoundment and other on-site locations indicate that Van Tran Electric Corporation is responsible for the release and threat of release of substantial levels of hazardous substances including, but not limited to, polychlorinated biphenyls (PCBs), lead, toluene and xylene. Van Tran Electric Corporation will, as a result thereof, be expected to retain an independent contractor to perform a comprehensive Remedial Investigation/Feasibility Study to determine the nature and extent of the problem presented by contamination release and to develop and evaluate appropriate remedial response alternatives. If a pre-enforcement conference is attended pursuant to the attached cover letter, the Agency would be willing to discuss the necessary scope of a Remedial Investigation/Feasibility Study for the site at that time.



26  
VANTRAN ELECTRIC CORPORATION

7711 IMPERIAL DRIVE

WACO, TEXAS 76710

June 9, 1976

*VanTran Electric Corporation  
Vandalia*

U. S. Environmental Protection Agency  
Region V  
230 South Dearborn St.  
Chicago, Ill. 60604

Gentlemen:

This is in reply to your letter of May 13, 1976 (received 5/17/76) regarding precautions relative to the handling of PCB's at our Vandalia, Illinois facility.

This Company has elected to discontinue the manufacture of transformers filled with askarel. Our last purchase of askarel from Monsanto was on October 17, 1975. We do not plan any future purchases, and have not renewed our purchase agreement with Monsanto.

As of now all of the Askarel that was stored in drums as referred to in Illinois District Office report of 3/12/76 has been used in the manufacture of new transformers. None of it remains at the facility and no new drums have been added. The transformers have since been shipped to customers.

During the manufacturing, all solid waste was collected. None was lost to the environment. The solid waste has been sent to the solids dump at Sheffield, Ill. for disposal. Liquid waste has been reprocessed and used without loss to the environment.

Very truly yours,

VANTRAN ELECTRIC CORPORATION

*H. D. Tindall*  
H. D. Tindall  
Vice President

HDT/s1

REPORT ON INSPECTION OF PCB USE  
USEPA - ILLINOIS DISTRICT OFFICE

I. Company Identification

Van Tran Electric Corporation  
1550 Van Tran Avenue  
Vandalia, Illinois 62471

Telephone: 618-283-3220

Responsible Officials

Mr. Howard Trindall, Plant Manager  
Mr. Jerry Little, Office Manager  
Mr. Bob Smith, Superintendent

II. Date of Inspection

November 12, 1975

III. Participants

Company

Mr. Jerry Little, Office Manager  
Mr. Bob Smith, Superintendent

USEPA - Illinois District Office

Sylvester Bernotas, Sanitary Engineer (Author)

IV. Objective

To review methods of handling PCB's, including storage and disposal.

V. Summary of Findings

The method of handling PCB's containing materials appears to be inadequate for prevention of loss to the environment.

Monsanto's Askarel is received in 55 gallon drums and stored in a sheet metal building (approximately 49 drums were in the building). When Askarel is required, a drum is transported by fork lift truck to another building where the Askarel is poured from the drum into a transformer. There is a yard drain to a ditch in the truck route.

Empty drums are stored in the yard with other empty drums. Askarel drums are used for storing paint thinners and waste paint.

Other drums are used for material storage after the tops are cut off and the inside is wiped clean with Trichloroethane Methy Chloroform 55% and Methylene Chloride 45% solvent. The Askarel and solvent mixture is trucked to Van Tran's Louisville, Georgia plant for processing. Rags used to clean the drums are not salvaged. About 2 ounces of Askarel was on the top of one of the used drums.

#### VI. Description of Company

Van Tran employs 60 to 70 persons in the manufacture of pole and pad mounted transformers up to 5000 KVA. Askarel is only used on customer request. Last year approximately 2500 gallons of Askarel was used in 12 transformers.

#### VII. Discussion

The plant should discontinue using uncleaned Askarel drums for paint thinner and paint waste storage. Cleaning rags should also be stored and returned to the processing plant with dirty Askarel.

If Van Tran follows the procedures for Askarel storage and disposal as written in the "AN C 107-1-1974, American National Standard Guidelines for handling and disposal of capacitor and transformer grade askarels containing polychlorinated biphenyls" no PCB would be lost to the environment at the plant.

Stored on the premises are 2000 gallons of Askarel and 5800 gallons of mineral oil inside a building. There are two empty mineral oil tanks, 8000 gallons and 6000 gallons capacity, above ground outdoors.

The plant was on strike during the inspection. This summer both outside tanks were opened and 14,000 gallons of mineral oil were spilled on the ground and ran into a ditch near the plant property.

Van Tran does not have a certified SPCC plan. A copy of the Federal Register pertaining to the matter was mailed to the office manager.